

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x

4 AGCS MARINE INSURANCE
5 COMPANY,

6 Plaintiff/

7 Counterclaim Defendant,

8 vs.

No. 14-CV-5902

9 WORLD FUEL SERVICES, INC., (PAE) (SN)

10 And WORLD FUEL SERVICES

11 EUROPE, LTD.,

12 Defendants/

13 Counterclaim Plaintiffs.

14 -----x

15 May 20, 2015

16 9:33 a.m.

17 Videotaped Deposition of NOREEN

18 BROSNAN, taken by Defendants/Counterclaim
19 Plaintiffs, at the offices of COVINGTON &
20 BURLING LLP, 620 Eighth Avenue, New York,
21 New York, before Frank J. Bas, a
22 Registered Professional Reporter,
23 Certified Realtime Reporter and Notary
24 Public within and for the State of New
25 York.

<p style="text-align: right;">Page 14</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 Q. Did you have any role in</p> <p>4 creating this?</p> <p>5 A. Yes.</p> <p>6 Q. You said a long time ago in one</p> <p>7 of your answers, so I take it this is</p> <p>8 something you generated at one point but</p> <p>9 you haven't routinely updated? Or what is</p> <p>10 this -- what's your relationship with your</p> <p>11 LinkedIn profile?</p> <p>12 A. Correct. I don't go into it on</p> <p>13 a day-to-day basis. Even though I get</p> <p>14 e-mails every day.</p> <p>15 Q. Looking at the content, is all</p> <p>16 of the content on this profile true and</p> <p>17 correct?</p> <p>18 And let me limit that just to</p> <p>19 say at least with regard to education,</p> <p>20 experience, and the information under</p> <p>21 "Noreen Brosnan" on the first page in the</p> <p>22 upper left. I don't expect you to know</p> <p>23 who viewed you, in the right-hand column.</p> <p>24 A. Yes, with respect to the</p> <p>25 education and experience.</p>	<p style="text-align: right;">Page 16</p> <p>1 N. BROSNAN</p> <p>2 your employment history before. Have your</p> <p>3 duties and responsibilities in connection</p> <p>4 with marine cargo underwriting changed</p> <p>5 over the time that you've been in the</p> <p>6 industry, or have they been more or less</p> <p>7 the same?</p> <p>8 MR. NICOLETTI: Objection as to</p> <p>9 form.</p> <p>10 You can answer.</p> <p>11 A. More or less the same.</p> <p>12 Q. Have there been any changes in</p> <p>13 terms of the volume of business you're</p> <p>14 doing, the types of clients with whom</p> <p>15 you're working, or any other significant</p> <p>16 changes over the course of your career?</p> <p>17 MR. NICOLETTI: Objection as to</p> <p>18 form.</p> <p>19 You can answer.</p> <p>20 A. As a trainee I obviously</p> <p>21 handled smaller accounts. As I've had</p> <p>22 more experience, I handle larger clients.</p> <p>23 Q. Why is it that you left</p> <p>24 Travelers and joined Fireman's Fund?</p> <p>25 A. At the time my -- actually the</p>
<p style="text-align: right;">Page 15</p> <p>1 N. BROSNAN</p> <p>2 Q. So it appears you started out</p> <p>3 doing marine cargo underwriting at Royal?</p> <p>4 A. Yes.</p> <p>5 Q. That was your first role after</p> <p>6 school?</p> <p>7 A. Yes.</p> <p>8 Q. Or during and after school?</p> <p>9 A. (Nodding head.)</p> <p>10 Q. Is it true that that's pretty</p> <p>11 much what you've done for the last</p> <p>12 twenty-five years?</p> <p>13 A. Yes.</p> <p>14 Q. Have you ever had any position</p> <p>15 specifically involving the handling of</p> <p>16 marine cargo claims?</p> <p>17 A. No.</p> <p>18 Q. Have you ever had any training</p> <p>19 or -- either at St. John's or outside of</p> <p>20 St. John's, on the handling of marine</p> <p>21 cargo claims?</p> <p>22 MR. NICOLETTI: Objection as to</p> <p>23 form.</p> <p>24 A. No.</p> <p>25 Q. You gave us a quick overview of</p>	<p style="text-align: right;">Page 17</p> <p>1 N. BROSNAN</p> <p>2 only reason I went to Travelers, my father</p> <p>3 had passed away and my mother was by</p> <p>4 herself, so they had given me a part-time</p> <p>5 position there. I went to Fireman's Fund</p> <p>6 because it was a better opportunity.</p> <p>7 Q. A better opportunity in what</p> <p>8 sense?</p> <p>9 A. Travelers was not a company</p> <p>10 that I felt that I could do well at.</p> <p>11 Let's put it that way. A nice way.</p> <p>12 Q. Why is that?</p> <p>13 A. It just -- it wasn't -- I was</p> <p>14 used to handling larger accounts and</p> <p>15 Travelers is more an agent-based company.</p> <p>16 Q. When you say "handling larger</p> <p>17 accounts," what exactly does that mean?</p> <p>18 A. Global multi-national accounts.</p> <p>19 Large premiums.</p> <p>20 Q. Throughout your career has it</p> <p>21 been generally true that your compensation</p> <p>22 tends to be linked to, in some way or</p> <p>23 another, the volume of premium generated</p> <p>24 on accounts you handle?</p> <p>25 MR. NICOLETTI: Objection as to</p>

<p style="text-align: right;">Page 18</p> <p>1 N. BROSNAN</p> <p>2 form.</p> <p>3 You can answer.</p> <p>4 A. In an ideal world, yes.</p> <p>5 Q. I am trying to get at the</p> <p>6 general relationship.</p> <p>7 So in an ideal world that's the</p> <p>8 way it's supposed to work?</p> <p>9 A. Mm-hmm. Yes.</p> <p>10 Q. I should have said when I was</p> <p>11 going over ground rules with you that</p> <p>12 phrases like "uh-huh" and "mm-hmm" tend</p> <p>13 not to show up very clearly in the record,</p> <p>14 so it's important that you try to avoid</p> <p>15 them. Will you do that?</p> <p>16 A. Understood.</p> <p>17 Q. So in an ideal world your</p> <p>18 compensation would essentially be based on</p> <p>19 the premium volume you're generating?</p> <p>20 MR. NICOLETTI: Objection as to</p> <p>21 form.</p> <p>22 You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. Have you lived in that ideal</p> <p>25 world since you joined Fireman's Fund,</p>	<p style="text-align: right;">Page 20</p> <p>1 N. BROSNAN</p> <p>2 I moved to Fireman's Fund was it was an</p> <p>3 opportunity, it was flexibility, and</p> <p>4 compensation.</p> <p>5 Q. Is it true in your industry</p> <p>6 that underwriters' compensation also</p> <p>7 depends, in part, on loss history on the</p> <p>8 accounts the underwriter is generating?</p> <p>9 MR. NICOLETTI: Objection as to</p> <p>10 form.</p> <p>11 You can answer.</p> <p>12 A. I can't speak to that.</p> <p>13 Q. So do the claims, if they</p> <p>14 impact the policyholders whose business</p> <p>15 you have underwritten, have any impact at</p> <p>16 all on your compensation?</p> <p>17 MR. NICOLETTI: Objection as to</p> <p>18 form.</p> <p>19 Q. And this is at AGCS/Allianz.</p> <p>20 MR. NICOLETTI: Objection as to</p> <p>21 form. Asked and answered.</p> <p>22 You can answer again.</p> <p>23 A. Could you say that again?</p> <p>24 Q. Do you need the question read</p> <p>25 back?</p>
<p style="text-align: right;">Page 19</p> <p>1 N. BROSNAN</p> <p>2 which became Allianz?</p> <p>3 MR. NICOLETTI: The same</p> <p>4 objection.</p> <p>5 You can answer.</p> <p>6 A. Yes. They've also given me an</p> <p>7 opportunity to work remotely.</p> <p>8 Q. So yes, your compensation is</p> <p>9 linked to premium volume, and they've also</p> <p>10 let you work remotely?</p> <p>11 MR. NICOLETTI: The same</p> <p>12 objection.</p> <p>13 You can answer.</p> <p>14 A. Can you say that again?</p> <p>15 Q. Yeah.</p> <p>16 The first thing I was trying to</p> <p>17 ascertain is: Since you joined Fireman's</p> <p>18 Fund, which became Allianz, has it been</p> <p>19 true that your compensation is generally</p> <p>20 linked to the premium volume that you're</p> <p>21 generating?</p> <p>22 MR. NICOLETTI: Objection as to</p> <p>23 form.</p> <p>24 You can answer.</p> <p>25 A. It's compensation -- the reason</p>	<p style="text-align: right;">Page 21</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 (The reporter read back as</p> <p>4 follows:</p> <p>5 "Question: So do the claims,</p> <p>6 if they impact the policyholders whose</p> <p>7 business you have underwritten, have any</p> <p>8 impact at all on your compensation?)</p> <p>9 A. Not that I'm aware of, no.</p> <p>10 Q. You live in Delaware and work</p> <p>11 remotely. How long has that been your</p> <p>12 situation?</p> <p>13 A. I was working Mondays and</p> <p>14 Fridays remotely from Delaware, and I've</p> <p>15 gone full-time remote just recently,</p> <p>16 probably the past year.</p> <p>17 Q. So until the past year you were</p> <p>18 in Manhattan for three days a week and</p> <p>19 then otherwise working from home?</p> <p>20 A. Correct.</p> <p>21 Q. How long had you been doing</p> <p>22 that?</p> <p>23 A. Since I was hired.</p> <p>24 Q. By Fireman's Fund?</p> <p>25 A. By Fireman's Fund.</p>

<p style="text-align: right;">Page 34</p> <p>1 N. BROSNAN</p> <p>2 MR. NICOLETTI: The same</p> <p>3 objection.</p> <p>4 You can answer.</p> <p>5 A. With respect to my book?</p> <p>6 Q. Yeah.</p> <p>7 A. Can you say the question -- can</p> <p>8 you repeat the question?</p> <p>9 (The reporter read back as</p> <p>10 follows:</p> <p>11 "Question: Do you have any way</p> <p>12 of estimating for us how much of the</p> <p>13 business you, yourself, underwrite that</p> <p>14 comes to Allianz/AGCS from the group you</p> <p>15 just identified?</p> <p>16 "Answer: No.</p> <p>17 "Question: Is it more than</p> <p>18 half?")</p> <p>19 A. Yes.</p> <p>20 Q. More than three-quarters?</p> <p>21 A. My -- my book is generally</p> <p>22 alphabet house, those producers I just</p> <p>23 mentioned, which I said in the beginning.</p> <p>24 Q. Got it. So vast majority, if</p> <p>25 not in some years all, of the business</p>	<p style="text-align: right;">Page 36</p> <p>1 N. BROSNAN</p> <p>2 MR. NICOLETTI: Objection as to</p> <p>3 form.</p> <p>4 You can answer.</p> <p>5 A. Since I was probably in the</p> <p>6 business.</p> <p>7 Q. So going all the way back to</p> <p>8 Royal?</p> <p>9 A. Yeah. I would say so, yeah.</p> <p>10 Royal/CIGNA.</p> <p>11 Again, Royal I was a trainee.</p> <p>12 Q. Are there particular types of</p> <p>13 accounts or industries that come to you</p> <p>14 more frequently through Mr. Bartsch and</p> <p>15 Willis?</p> <p>16 A. No.</p> <p>17 Q. So it could be anything?</p> <p>18 A. Yes.</p> <p>19 MR. MYERS: I am going to ask</p> <p>20 our court reporter to mark as Exhibit 2</p> <p>21 AGCS -- it's a bunch of different Bates</p> <p>22 numbers. We marked this at a prior</p> <p>23 deposition. However -- this is O'Connor</p> <p>24 Exhibit 2, however the version marked as</p> <p>25 O'Connor Exhibit 2, because of the</p>
<p style="text-align: right;">Page 35</p> <p>1 N. BROSNAN</p> <p>2 you, yourself, underwrite comes from them?</p> <p>3 A. Marsh, Willis and Aon.</p> <p>4 Q. And of those three do you have</p> <p>5 any way of estimating how much of it is</p> <p>6 Willis business?</p> <p>7 A. (No response.)</p> <p>8 Q. And if it differs by year,</p> <p>9 fine. I'm simply looking for an estimate</p> <p>10 over the time period involved.</p> <p>11 MR. NICOLETTI: Objection as to</p> <p>12 form.</p> <p>13 A. Probably at least a quarter.</p> <p>14 Q. And of that quarter any way of</p> <p>15 differentiating between Bob and -- is it</p> <p>16 Steve?</p> <p>17 A. Steve Sozansky, yes.</p> <p>18 Q. Yeah.</p> <p>19 A. I would say primarily Bob.</p> <p>20 Q. Had you worked with Bob or</p> <p>21 Steve to underwrite business prior to the</p> <p>22 time you joined Fireman's Fund?</p> <p>23 A. Yes.</p> <p>24 Q. How long have you been working</p> <p>25 with those guys?</p>	<p style="text-align: right;">Page 37</p> <p>1 N. BROSNAN</p> <p>2 recopying formatting, is essentially</p> <p>3 illegible. So I'm going to just mark a</p> <p>4 new one, the same Bates numbers.</p> <p>5 MR. NICOLETTI: And what are</p> <p>6 the Bates numbers, so we can have them on</p> <p>7 the record?</p> <p>8 MR. MYERS: Sure. They're in</p> <p>9 the document, so I don't think there's</p> <p>10 any --</p> <p>11 MR. NICOLETTI: I think both</p> <p>12 our paralegal staffs would appreciate it</p> <p>13 if you identify the Bates numbers.</p> <p>14 MR. MYERS: 442, 443, 438.</p> <p>15 ---</p> <p>16 (Brosnan Exhibit 2, AGCS org</p> <p>17 charts, Bates AGCS 000442, 443 and 438 was</p> <p>18 marked for identification)</p> <p>19 ---</p> <p>20 BY MR. MYERS:</p> <p>21 Q. Have you seen org charts like</p> <p>22 this before at AGCS?</p> <p>23 A. Yes.</p> <p>24 Q. On the first page and second</p> <p>25 page, and third page, you'll see your</p>

<p style="text-align: right;">Page 38</p> <p>1 N. BROSNAN</p> <p>2 name?</p> <p>3 A. Mm-hmm. Yes.</p> <p>4 Q. Did these -- do these reflect</p> <p>5 the organization, to your understanding,</p> <p>6 of underwriting at AGCS marine northeast</p> <p>7 region?</p> <p>8 MR. NICOLETTI: Objection as to</p> <p>9 form.</p> <p>10 You can answer.</p> <p>11 A. Yes.</p> <p>12 Q. On the first page it shows a</p> <p>13 direct line between you and</p> <p>14 Mr. McClintock.</p> <p>15 Is Mr. McClintock your manager?</p> <p>16 A. Yes.</p> <p>17 Q. Has he been your manager</p> <p>18 throughout the time you've been with</p> <p>19 Fireman's Fund/AGCS/Allianz?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever had a different</p> <p>22 manager?</p> <p>23 A. No.</p> <p>24 Q. So you report directly to</p> <p>25 Brian, yes?</p>	<p style="text-align: right;">Page 40</p> <p>1 N. BROSNAN</p> <p>2 A. That I don't know.</p> <p>3 Q. Somebody -- he may be on here,</p> <p>4 I haven't studied it, it's not so clear a</p> <p>5 document for me to figure it out, but</p> <p>6 there's somebody named William Frohne</p> <p>7 [Fro-nee] or Frohne [Froen].</p> <p>8 Is that name familiar to you?</p> <p>9 A. Yes.</p> <p>10 Q. Who is he?</p> <p>11 A. He handles the -- I don't know</p> <p>12 his exact title but I believe he handles</p> <p>13 the IIP business, which is -- sorry -- is</p> <p>14 international placement business, and it's</p> <p>15 primarily dealing with the South America</p> <p>16 regions.</p> <p>17 Q. Your job involves underwriting</p> <p>18 for marine cargo risks throughout the</p> <p>19 world, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Do you ever need to or get</p> <p>22 input from -- forgive me if I'm not</p> <p>23 pronouncing his name right -- Mr. Frohne</p> <p>24 [Fro-nee] --</p> <p>25 A. Frohne [Froen].</p>
<p style="text-align: right;">Page 39</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any other indirect</p> <p>4 people or people to whom you report</p> <p>5 indirectly?</p> <p>6 MR. NICOLETTI: Objection as to</p> <p>7 form.</p> <p>8 You can answer.</p> <p>9 A. No.</p> <p>10 Q. Do you have any reporting</p> <p>11 relationship or reasons to interface with</p> <p>12 Ryan O'Connor?</p> <p>13 A. Yes.</p> <p>14 Q. Please describe what the matrix</p> <p>15 reporting relationship or reasons for</p> <p>16 interface are?</p> <p>17 A. In the event the account or</p> <p>18 policy that we're working on exceeds</p> <p>19 Brian's underwriting authority, there may</p> <p>20 be a time when I would be called into a</p> <p>21 meeting to discuss with Brian first, and</p> <p>22 then Ryan.</p> <p>23 Q. Does Ryan have any role, to</p> <p>24 your knowledge, in your performance</p> <p>25 management plan?</p>	<p style="text-align: right;">Page 41</p> <p>1 N. BROSNAN</p> <p>2 Q. -- Frohne [Froen] for specific</p> <p>3 accounts, and if so, why?</p> <p>4 A. Yes. With respect to Brazil he</p> <p>5 is in charge of that area and the growth</p> <p>6 opportunities there, and so he would be</p> <p>7 managing that region, so anything that we</p> <p>8 would write on an admitted basis would</p> <p>9 fall under his -- he would be in charge of</p> <p>10 the underwriters in that area.</p> <p>11 Q. When you say "on an admitted</p> <p>12 basis" you mean for business that requires</p> <p>13 locally admitted policies in Brazil, he's</p> <p>14 the man?</p> <p>15 A. Yes.</p> <p>16 Q. Are there people either shown</p> <p>17 or not shown on these org charts you would</p> <p>18 interface with in a similar capacity for</p> <p>19 other parts of the world? For example, is</p> <p>20 there, you know, a Baltic guy or gal? You</p> <p>21 know what's the -- if so, who are they,</p> <p>22 and please describe them?</p> <p>23 A. There are. But we primarily go</p> <p>24 through Danielle Rivera, who is in charge</p> <p>25 of the IIP, again, international</p>

<p style="text-align: right;">Page 42</p> <p>1 N. BROSNAN</p> <p>2 placements. And she discusses with the</p> <p>3 overseas offices.</p> <p>4 Q. Do you know -- it's Danielle --</p> <p>5 A. Danielle.</p> <p>6 Q. Where is Danielle located?</p> <p>7 A. In New York.</p> <p>8 Q. So she's your first stop to</p> <p>9 figure out who you need for other admitted</p> <p>10 jurisdictions, or do you just know?</p> <p>11 A. When the submission comes in,</p> <p>12 if there's an issue, or sales in certain</p> <p>13 countries, we'll send it to Danielle and</p> <p>14 her team, and they will advise whether or</p> <p>15 not an admitted policy is required.</p> <p>16 Q. Somebody else shown in the</p> <p>17 charts on Exhibit 2 is Thomas Stubler.</p> <p>18 Who is he, and do you have any reporting</p> <p>19 relationship, matrix or otherwise, with</p> <p>20 him?</p> <p>21 A. Tom is the marine cargo manager</p> <p>22 for the northeast branch, and I have no</p> <p>23 direct reporting relationship to him.</p> <p>24 Q. How do the responsibilities</p> <p>25 of the people reporting to him differ</p>	<p style="text-align: right;">Page 44</p> <p>1 N. BROSNAN</p> <p>2 A. I worked with Brian when he was</p> <p>3 a broker at Marsh, I don't know the dates,</p> <p>4 and then Brian also reported to me when I</p> <p>5 was at Zurich as a branch manager.</p> <p>6 Q. Was he instrumental in your</p> <p>7 decision to go to Fireman's Fund?</p> <p>8 MR. NICOLETTI: Objection as to</p> <p>9 form.</p> <p>10 You can answer.</p> <p>11 A. Part of it.</p> <p>12 Q. Is he how the job came to your</p> <p>13 attention?</p> <p>14 A. Yes.</p> <p>15 Q. So one day Brian called and</p> <p>16 said hey, you ought to join Fireman's</p> <p>17 Fund, blah, blah, blah, here's why?</p> <p>18 A. Correct.</p> <p>19 Q. You mentioned the size of your</p> <p>20 book of business. What is that?</p> <p>21 A. The number, or --</p> <p>22 Q. Yeah.</p> <p>23 A. -- or the amount?</p> <p>24 Q. However you meant it.</p> <p>25 Including the number.</p>
<p style="text-align: right;">Page 43</p> <p>1 N. BROSNAN</p> <p>2 from yours?</p> <p>3 A. It depends on each individual</p> <p>4 person and the level of experience. But</p> <p>5 they don't really differ. We're all doing</p> <p>6 underwriting.</p> <p>7 Q. That's what I am trying to</p> <p>8 figure out, why there's a clump of people</p> <p>9 in the same region under him and you</p> <p>10 report directly into Brian.</p> <p>11 A. I had -- Brian hired me and I</p> <p>12 had reported to Brian from the beginning.</p> <p>13 And given the complexity of my accounts</p> <p>14 and the large book of business that I</p> <p>15 have, it was decided there was no sense</p> <p>16 in -- Thomas had a lot of people under him</p> <p>17 already.</p> <p>18 Q. So it just made sense to have</p> <p>19 you continue to report to Brian?</p> <p>20 A. Right.</p> <p>21 Q. Had you had any relationship</p> <p>22 with Brian prior to joining Fireman's</p> <p>23 Fund?</p> <p>24 A. Yes.</p> <p>25 Q. Please describe it.</p>	<p style="text-align: right;">Page 45</p> <p>1 N. BROSNAN</p> <p>2 A. Well -- yeah, it's just a -- my</p> <p>3 accounts are larger premium accounts with</p> <p>4 admitted policies and global, so they're a</p> <p>5 little more complex than the normal,</p> <p>6 everyday policy.</p> <p>7 Q. And what is the dollar -- what</p> <p>8 are the dollars attached, or the euros</p> <p>9 attached, or whatever currency you wish to</p> <p>10 use, to that book?</p> <p>11 A. I believe it's 10 million, give</p> <p>12 or take.</p> <p>13 Q. Do you know how that compares</p> <p>14 to the other people shown in the charts in</p> <p>15 Exhibit 2 who report to Tom or who also</p> <p>16 report to Brian?</p> <p>17 A. No.</p> <p>18 Q. So you have no idea what the</p> <p>19 books of business of your fellow</p> <p>20 underwriters are?</p> <p>21 A. Not in dollars and cents, no.</p> <p>22 Q. How about just in terms of</p> <p>23 general pecking order?</p> <p>24 MR. NICOLETTI: Objection as to</p> <p>25 form.</p>

<p style="text-align: right;">Page 46</p> <p>1 N. BROSNAN</p> <p>2 You can answer.</p> <p>3 A. Complexity of accounts. I</p> <p>4 guess I could say that obviously there are</p> <p>5 younger trainees here, so they are not</p> <p>6 handling seven-figure global</p> <p>7 multi-national accounts.</p> <p>8 Q. Sure. Are there others who are</p> <p>9 handling seven-figure global</p> <p>10 multi-national accounts who have books of</p> <p>11 business comparable to or larger than</p> <p>12 yours?</p> <p>13 MR. NICOLETTI: Objection as to</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 A. I don't know.</p> <p>17 Q. Do you ever have to report into</p> <p>18 or do you have occasion to interface with</p> <p>19 Kevin Wolfe?</p> <p>20 A. No.</p> <p>21 Q. How about John Barnwell?</p> <p>22 A. On a reporting</p> <p>23 relationship, no.</p> <p>24 Q. If you interface with them on</p> <p>25 any matters that don't relate to a</p>	<p style="text-align: right;">Page 48</p> <p>1 N. BROSNAN</p> <p>2 A. We have IWins, which is a</p> <p>3 reference guide more so than guidelines.</p> <p>4 Q. When you say "IWins," for the</p> <p>5 sake of our judge and jury, what exactly</p> <p>6 are you referring to?</p> <p>7 A. That's a, I believe, a Lotus</p> <p>8 Notes database.</p> <p>9 Q. And it contains such</p> <p>10 underwriting guidance?</p> <p>11 MR. NICOLETTI: Objection as to</p> <p>12 form. Mischaracterization.</p> <p>13 You can answer.</p> <p>14 A. It contains things like a</p> <p>15 clause library. I believe there are some</p> <p>16 broker forms on there. Cat guidelines.</p> <p>17 Cat management, catastrophe; earthquake.</p> <p>18 Wind.</p> <p>19 Q. Do you ever in the course of</p> <p>20 underwriting on accounts have reason to</p> <p>21 consult IWins for anything?</p> <p>22 A. If I need a clause reference,</p> <p>23 perhaps.</p> <p>24 Q. Any other circumstances where</p> <p>25 you reference the IWins underwriting</p>
<p style="text-align: right;">Page 47</p> <p>1 N. BROSNAN</p> <p>2 specific reporting relationship, please</p> <p>3 describe them?</p> <p>4 MR. NICOLETTI: Objection as to</p> <p>5 form.</p> <p>6 You can answer.</p> <p>7 A. I've been in attendance when</p> <p>8 he's given meetings.</p> <p>9 Q. What would such meetings</p> <p>10 involve?</p> <p>11 A. It could be changes within the</p> <p>12 organization.</p> <p>13 Q. So I understand, there was a</p> <p>14 relatively recent realignment with changes</p> <p>15 at Fireman's Fund, so meetings held</p> <p>16 because of that type of situation?</p> <p>17 A. Yes.</p> <p>18 Q. Any other aspects or reasons</p> <p>19 that you would participate or you would</p> <p>20 interface with Mr. Barnwell?</p> <p>21 A. No.</p> <p>22 Q. Are you familiar with any</p> <p>23 underwriting manuals or guidelines or</p> <p>24 standards that AGCS maintains that are</p> <p>25 applicable to the work you do?</p>	<p style="text-align: right;">Page 49</p> <p>1 N. BROSNAN</p> <p>2 guidance?</p> <p>3 MR. NICOLETTI: Objection as to</p> <p>4 form.</p> <p>5 You can answer.</p> <p>6 A. Not often.</p> <p>7 Q. Can you remember any time that</p> <p>8 you did for something other than trying to</p> <p>9 find a clause?</p> <p>10 A. Perhaps a cat guideline.</p> <p>11 Again, earthquake limits.</p> <p>12 Q. And again for the sake of our</p> <p>13 judge and jury, when you say "cat" you're</p> <p>14 not referring to something that says</p> <p>15 "meow," you're referring to catastrophic</p> <p>16 exposures?</p> <p>17 A. Catastrophic exposures.</p> <p>18 Earthquake, wind, flood.</p> <p>19 Q. You also referenced a "clause</p> <p>20 library." What exactly is that?</p> <p>21 A. I believe it's AGCS Marine</p> <p>22 Insurance clauses that are -- that go into</p> <p>23 an AGCS-prepared policy.</p> <p>24 Q. So in other words, those are</p> <p>25 clauses that are preauthorized by AGCS to</p>

<p style="text-align: right;">Page 50</p> <p>1 N. BROSNAN</p> <p>2 flip into a policy you are going to</p> <p>3 underwrite?</p> <p>4 MR. NICOLETTI: Objection as to</p> <p>5 form.</p> <p>6 You can answer.</p> <p>7 A. Yes.</p> <p>8 Q. Another thing you referenced</p> <p>9 were broker forms. What do you mean by</p> <p>10 broker forms?</p> <p>11 A. Broker forms are prepared by</p> <p>12 the broker.</p> <p>13 Q. Your experience in dealing with</p> <p>14 the alphabet houses over the last</p> <p>15 twenty-five years or so is that they tend</p> <p>16 to have forms that they've developed that</p> <p>17 they often attempt to use on accounts</p> <p>18 you're asked to underwrite?</p> <p>19 A. Yes.</p> <p>20 Q. Do you need to obtain any</p> <p>21 specific approvals from Brian or from</p> <p>22 anybody to underwrite within your</p> <p>23 authority on one of the broker forms?</p> <p>24 A. If it's not in the IWins</p> <p>25 system, and/or if there's any manuscript</p>	<p style="text-align: right;">Page 52</p> <p>1 N. BROSNAN</p> <p>2 at -- I'm not a policy wording expert. I</p> <p>3 like to look at each policy and clause</p> <p>4 individually.</p> <p>5 Q. When you say each office has</p> <p>6 its own form, what exactly do you mean?</p> <p>7 A. I'm sorry. Each Marsh, Aon San</p> <p>8 Francisco, Aon New York, Aon Chicago, can</p> <p>9 have three different policy forms.</p> <p>10 Q. Got it.</p> <p>11 In your dealings with Willis</p> <p>12 have you dealt with different versions of</p> <p>13 the Willis form?</p> <p>14 A. I believe -- yes. Yes.</p> <p>15 Q. Describe for us, if you can,</p> <p>16 what the differences are between the</p> <p>17 different Willis forms you've dealt with?</p> <p>18 A. I can't go into details on</p> <p>19 them. I don't -- again, I don't profess</p> <p>20 to be a policy wording expert. But there</p> <p>21 is a small account program form, which I</p> <p>22 believe is for premiums under a hundred</p> <p>23 thousand dollars. And then they have a</p> <p>24 Willis form.</p> <p>25 They probably also have, but</p>
<p style="text-align: right;">Page 51</p> <p>1 N. BROSNAN</p> <p>2 wording.</p> <p>3 Q. What do you do in those</p> <p>4 circumstances?</p> <p>5 A. I send the policy to Brian for</p> <p>6 approval.</p> <p>7 Q. Any other steps you take?</p> <p>8 A. No.</p> <p>9 Q. Over your -- the course of your</p> <p>10 career in cargo underwriting have you</p> <p>11 become familiar with the forms used by the</p> <p>12 different alphabet houses?</p> <p>13 MR. NICOLETTI: Objection as to</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 A. Yes.</p> <p>17 Q. Are you aware as you sit here</p> <p>18 now of any specific differences between</p> <p>19 the forms used by the alphabet houses; for</p> <p>20 example, you could say oh, yeah, Marsh has</p> <p>21 got an awesome deductible DIC clause, or</p> <p>22 anything like that?</p> <p>23 A. I have to be careful about</p> <p>24 that, because each -- each office has a</p> <p>25 different policy form, so I like to look</p>	<p style="text-align: right;">Page 53</p> <p>1 N. BROSNAN</p> <p>2 again, I'm making assumptions --</p> <p>3 MR. NICOLETTI: Please do not</p> <p>4 assume.</p> <p>5 THE WITNESS: Okay.</p> <p>6 BY MR. MYERS:</p> <p>7 Q. What assumption were you about</p> <p>8 to make? Describe it for us.</p> <p>9 A. That there -- also had</p> <p>10 different office forms; i.e., Chicago,</p> <p>11 New York.</p> <p>12 Q. But you've never attempted to</p> <p>13 look at each and study the differences?</p> <p>14 A. No, I don't have to, because</p> <p>15 management approves the form, and if it</p> <p>16 doesn't -- if it doesn't fit that, it goes</p> <p>17 to management again to approve. So it's</p> <p>18 taken out of my hands.</p> <p>19 Q. Of the business you underwrite</p> <p>20 generally, how much of it is on approved</p> <p>21 broker forms, as opposed to an AGCS form?</p> <p>22 A. 99 percent.</p> <p>23 Q. So I take it you don't have</p> <p>24 much occasion to look at the cargo clause</p> <p>25 library or go to IWins to try to pull</p>

<p style="text-align: right;">Page 54</p> <p>1 N. BROSNAN</p> <p>2 something out for an AGCS form?</p> <p>3 A. Yes. That's correct.</p> <p>4 Q. Have you ever had occasion to</p> <p>5 study differences between the AGCS form</p> <p>6 and any of the Willis approved forms that</p> <p>7 you use?</p> <p>8 A. No.</p> <p>9 Q. So if I were to show you an</p> <p>10 example of the AGCS ocean marine cargo</p> <p>11 policy forms and ask you specific</p> <p>12 questions about how they might or might</p> <p>13 not differ from a Willis form, you</p> <p>14 wouldn't have much to tell me?</p> <p>15 A. Correct.</p> <p>16 Q. We'll dispense with that.</p> <p>17 MR. NICOLETTI: This is not a</p> <p>18 torture test. If you need a break to use</p> <p>19 the ladies' room or something, you should</p> <p>20 let us know.</p> <p>21 THE WITNESS: Okay. Thank you.</p> <p>22 MR. MYERS: We'll ask our court</p> <p>23 reporter to mark as Exhibit 3 the cargo</p> <p>24 clause library. Or a document that says</p> <p>25 "Cargo Clause Library."</p>	<p style="text-align: right;">Page 56</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 (Brosnan Exhibit 4, One-page</p> <p>4 handwritten document, Bates AGCS BMH 00040</p> <p>5 was marked for identification)</p> <p>6 ---</p> <p>7 MR. NICOLETTI: And that's</p> <p>8 Brosnan 4?</p> <p>9 THE REPORTER: Yes.</p> <p>10 BY MR. MYERS:</p> <p>11 Q. Do you recognize the</p> <p>12 handwriting on this?</p> <p>13 A. Yes.</p> <p>14 Q. Whose is it?</p> <p>15 A. Brian McClintock.</p> <p>16 Q. This appears, in the upper</p> <p>17 left, to have a date 08-15-12.</p> <p>18 Did you have any involvement in</p> <p>19 connection with any underwriting or</p> <p>20 submission or meeting with people</p> <p>21 regarding a potential World Fuel account</p> <p>22 in 2012?</p> <p>23 A. No.</p> <p>24 Q. So if I asked you a bunch of</p> <p>25 stuff about these notes, other than</p>
<p style="text-align: right;">Page 55</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 (Brosnan Exhibit 3, Cargo</p> <p>4 Clause Library, Bates AGCS 001080 through</p> <p>5 1138 was marked for identification)</p> <p>6 ---</p> <p>7 BY MR. MYERS:</p> <p>8 Q. I won't ask you to read this</p> <p>9 whole thing. My general question is:</p> <p>10 If you needed to find a clause,</p> <p>11 is this a printout of the place on IWins</p> <p>12 where you would look?</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember ever having</p> <p>15 done that?</p> <p>16 A. No.</p> <p>17 Q. And we're here, as you know,</p> <p>18 about World Fuel Service. I take it you</p> <p>19 never consulted the cargo clause library</p> <p>20 in connection with anything relating to</p> <p>21 World Fuel Service?</p> <p>22 A. That's correct.</p> <p>23 Q. I would ask you to take a look</p> <p>24 at a document Bates-stamped AGCS BMH</p> <p>25 00040.</p>	<p style="text-align: right;">Page 57</p> <p>1 N. BROSNAN</p> <p>2 potentially being able to read them</p> <p>3 because you know Mr. McClintock, would you</p> <p>4 have any information about any meeting</p> <p>5 that occurred August 15, 2012?</p> <p>6 A. No.</p> <p>7 Q. Did you ever talk with</p> <p>8 Mr. McClintock when the World Fuel account</p> <p>9 came on the horizon in 2013 about prior</p> <p>10 discussions he had had with World Fuel or</p> <p>11 Mr. Bartsch or somebody about potentially</p> <p>12 underwriting a World Fuel account?</p> <p>13 A. Yes. I told him that the</p> <p>14 account was coming back in the door.</p> <p>15 Q. "Back in the door."</p> <p>16 So describe --</p> <p>17 A. Oh, I'm sorry.</p> <p>18 Q. Describe in 2013 how it is the</p> <p>19 account had come back in the door?</p> <p>20 A. I believe it was out to market</p> <p>21 again, and I believe that both Brian and</p> <p>22 possibly Tom Stubler and/or Ryan attended</p> <p>23 a meeting, I think World Fuel had</p> <p>24 requested to visit with markets, and that</p> <p>25 was prior to the submission actually</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 66</p> <p>1 N. BROSNAN</p> <p>2 A. She works in the home office</p> <p>3 out of Chicago, and she was responsible</p> <p>4 for letting us know if there were</p> <p>5 additional lines of insurance associated</p> <p>6 with an account coming in. With -- among</p> <p>7 other duties.</p> <p>8 Q. When you say, again for the</p> <p>9 benefit of his Honor and the ladies and</p> <p>10 gentlemen of the jury, when you say "other</p> <p>11 lines," you mean one of the things she's</p> <p>12 responsible for is determining whether an</p> <p>13 Allianz company -- whoops. Sorry about</p> <p>14 that.</p> <p>15 (Telephonic interruption.)</p> <p>16 MR. MYERS: That means there's</p> <p>17 a phone call I need to make.</p> <p>18 Can we go off the record for</p> <p>19 approximately four or five minutes so I</p> <p>20 can conduct this call, and then we'll go</p> <p>21 right back on?</p> <p>22 MR. NICOLETTI: Not a problem.</p> <p>23 MR. MYERS: Thank you.</p> <p>24 THE VIDEOGRAPHER: This ends</p> <p>25 UNIT 2. We're going off the record at</p>	<p style="text-align: right;">Page 68</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 Q. Is there anything else you</p> <p>4 would use such as salesforce run to</p> <p>5 determine?</p> <p>6 A. No.</p> <p>7 Q. Is the salesforce run shown at</p> <p>8 7945 through 51?</p> <p>9 A. Yes.</p> <p>10 Q. Did you learn that there were</p> <p>11 some other lines written by AGCS?</p> <p>12 A. It appears -- it appears no.</p> <p>13 Q. Back on the first page of</p> <p>14 Exhibit 7, the e-mail from Michelle to</p> <p>15 you, she refers to "their 2012 Inland</p> <p>16 (UW - Shane Kula.)"</p> <p>17 Do you know what that's a</p> <p>18 reference to?</p> <p>19 A. An inland marine, it could be</p> <p>20 submission or policy.</p> <p>21 Q. Based on this, did you know</p> <p>22 which? That is, submission or policy?</p> <p>23 A. It's says submissions at the</p> <p>24 end of it. Submissions. But it doesn't</p> <p>25 look like we bound.</p>
<p style="text-align: right;">Page 67</p> <p>1 N. BROSNAN</p> <p>2 10:55.</p> <p>3 ---</p> <p>4 (Recess from 10:55 to 11:02.)</p> <p>5 ---</p> <p>6 THE VIDEOGRAPHER: This begins</p> <p>7 Unit 3 of the deposition of Noreen</p> <p>8 Brosnan. We're on the record at 11:02.</p> <p>9 BY MR. MYERS:</p> <p>10 Q. We were looking at Exhibit 7</p> <p>11 when we paused. On the second page of</p> <p>12 Exhibit 7, which is 7943, there's an</p> <p>13 e-mail from you to Michelle at the top,</p> <p>14 where you say, "When you get a chance, can</p> <p>15 you run this through salesforce so we have</p> <p>16 an idea of current existing AGCS</p> <p>17 relationships."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. What is that a reference to?</p> <p>21 A. The World Fuel submission.</p> <p>22 Q. Right. So this is how you go</p> <p>23 about figuring out whether there are other</p> <p>24 lines of coverage that AGCS handles for</p> <p>25 World Fuel?</p>	<p style="text-align: right;">Page 69</p> <p>1 N. BROSNAN</p> <p>2 Q. Meaning, for the benefit of</p> <p>3 judge and jury, that you didn't end up</p> <p>4 issuing a policy?</p> <p>5 A. Yes.</p> <p>6 Q. Who is Shane Kula, do you know?</p> <p>7 A. An inland marine underwriter.</p> <p>8 Q. Do you have occasion in your</p> <p>9 account underwriting to interface with</p> <p>10 Mr. Kula?</p> <p>11 A. Not on a daily basis.</p> <p>12 Q. Describe, if you can, the</p> <p>13 circumstances under which you interface</p> <p>14 with Mr. Kula?</p> <p>15 A. If I have an inland type of</p> <p>16 business, he's in the inland marine</p> <p>17 department, so I would give it to him, and</p> <p>18 that would be it.</p> <p>19 MR. MYERS: Let me ask our</p> <p>20 court reporter to mark as Exhibit 8 NBH</p> <p>21 117 through 126.</p> <p>22 ---</p> <p>23 (Brosnan Exhibit 8, Submission,</p> <p>24 Bates AGCS NBH 00117 through 126 was</p> <p>25 marked for identification)</p>

<p style="text-align: right;">Page 70</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 BY MR. MYERS:</p> <p>4 Q. Have you seen Exhibit 8 before?</p> <p>5 A. I don't recall, but it</p> <p>6 refreshes my memory, with the exhibit,</p> <p>7 yeah.</p> <p>8 Q. Well, this is a document</p> <p>9 produced to us from your files by AGCS,</p> <p>10 which says "Submission, World Fuel</p> <p>11 Services Inc." at the top.</p> <p>12 Do you recognize anything about</p> <p>13 this document?</p> <p>14 A. It appears like it's the</p> <p>15 submission and inserted is the 2012</p> <p>16 variances, or additional information.</p> <p>17 Q. How did this submission get to</p> <p>18 you?</p> <p>19 A. Bob Bartsch, I believe,</p> <p>20 submitted.</p> <p>21 Q. So this is a document, to your</p> <p>22 understanding, prepared by Mr. Bartsch as</p> <p>23 a submission and forwarded to you and</p> <p>24 potentially others at AGCS?</p> <p>25 A. I don't believe he prepared all</p>	<p style="text-align: right;">Page 72</p> <p>1 N. BROSNAN</p> <p>2 this account prior to getting a copy of</p> <p>3 the submission?</p> <p>4 A. Not that I recall.</p> <p>5 Q. So could be, but you just don't</p> <p>6 remember any?</p> <p>7 A. Correct.</p> <p>8 Q. On the page marked NBH 121, and</p> <p>9 going over to 122, there's a section that</p> <p>10 says "Conditions of Coverage."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And after "Conditions of</p> <p>14 Coverage" it says "All Risk." What does</p> <p>15 that mean?</p> <p>16 MR. NICOLETTI: Objection as to</p> <p>17 form.</p> <p>18 You can answer.</p> <p>19 A. It was what Bob had put on the</p> <p>20 submission, I believe.</p> <p>21 Q. Have you ever heard the phrase</p> <p>22 "all risk" in your capacity as an ocean</p> <p>23 cargo underwriter?</p> <p>24 A. Yes.</p> <p>25 Q. What's your understanding of</p>
<p style="text-align: right;">Page 71</p> <p>1 N. BROSNAN</p> <p>2 of the information as respects to the</p> <p>3 2012. That was my pointing out to</p> <p>4 management the variances.</p> <p>5 Q. When you say "my pointing out</p> <p>6 to management the variances," did you take</p> <p>7 the submission document as received from</p> <p>8 Mr. Bartsch and edit and insert and do</p> <p>9 other stuff with it?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And is 8 the version</p> <p>12 that you took and edited?</p> <p>13 A. It appears that way.</p> <p>14 Q. You don't have any reason to</p> <p>15 doubt this is that submission --</p> <p>16 A. No.</p> <p>17 Q. -- as edited by you?</p> <p>18 A. (Shaking head.)</p> <p>19 Q. What specific things, if any,</p> <p>20 did you wish to point out to management</p> <p>21 concerning the 2012 submission?</p> <p>22 A. This appears to be merely a</p> <p>23 comparison document.</p> <p>24 Q. Did you have any conversations</p> <p>25 or communications with Mr. Bartsch about</p>	<p style="text-align: right;">Page 73</p> <p>1 N. BROSNAN</p> <p>2 that phrase?</p> <p>3 A. It's the conditions of</p> <p>4 coverage, that all risk, physical loss or</p> <p>5 damage caused by an external cause.</p> <p>6 Q. By "external cause" there, what</p> <p>7 does that mean? As you used it.</p> <p>8 A. External has to be -- could be</p> <p>9 handling. It could be packaging.</p> <p>10 Q. It could be theft?</p> <p>11 A. It could be -- it could be</p> <p>12 theft.</p> <p>13 Q. It could be fraud?</p> <p>14 A. Yes. Unless it's specifically</p> <p>15 excluded.</p> <p>16 THE REPORTER: I'm sorry?</p> <p>17 THE WITNESS: Unless it's</p> <p>18 specifically excluded, yes.</p> <p>19 BY MR. MYERS:</p> <p>20 Q. On page 124 of Exhibit 8, under</p> <p>21 "2013 Renewal Information" there are</p> <p>22 various categories, one of which is</p> <p>23 "Marine."</p> <p>24 Do you see it?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 N. BROSNAN</p> <p>2 Q. There's a reference there to</p> <p>3 "'flash title' sales."</p> <p>4 Did you, in the fall of 2013,</p> <p>5 or any time afterward, have an</p> <p>6 understanding of what a flash title</p> <p>7 sale is?</p> <p>8 A. I learned through my inquiries,</p> <p>9 yes, once I got the submission.</p> <p>10 Q. So this was the first account</p> <p>11 where you had encountered an account which</p> <p>12 engaged in flash title sales, to your</p> <p>13 recollection?</p> <p>14 A. Yes.</p> <p>15 Q. What do you understand that</p> <p>16 means?</p> <p>17 A. As it's stated, instantaneous</p> <p>18 title transfer. Where there's actually no</p> <p>19 product being moved, but the title</p> <p>20 transfers from the buyer to the seller.</p> <p>21 Q. Did the fact that the World</p> <p>22 Fuel account on marine involved flash</p> <p>23 title play any specific role in how you</p> <p>24 went about underwriting it?</p> <p>25 A. We did charge a lower premium</p>	<p style="text-align: right;">Page 76</p> <p>1 N. BROSNAN</p> <p>2 this something you had edited in?</p> <p>3 A. From Bob Bartsch.</p> <p>4 Q. The last sentence there says:</p> <p>5 "In some cases, title transfers from</p> <p>6 Supplier to WFS before transport; in other</p> <p>7 cases, the Supplier retains title and risk</p> <p>8 of loss during conveyance."</p> <p>9 Actually that's the</p> <p>10 second-to-last sentence.</p> <p>11 The last sentence says:</p> <p>12 "However, title and risk of loss only</p> <p>13 transfers to DLA/NATO when the fuel is</p> <p>14 delivered to the airport/base."</p> <p>15 So you saw that question and</p> <p>16 answer in the process of underwriting?</p> <p>17 A. I believe so.</p> <p>18 Q. Did you know what "DLA" was, as</p> <p>19 referenced there?</p> <p>20 MR. NICOLETTI: Objection as to</p> <p>21 form.</p> <p>22 You can answer.</p> <p>23 A. Maybe not.</p> <p>24 Q. Did you make any inquiries</p> <p>25 about that?</p>
<p style="text-align: right;">Page 75</p> <p>1 N. BROSNAN</p> <p>2 in our rating, considering it was less</p> <p>3 risk, in our minds.</p> <p>4 Q. Less risk because?</p> <p>5 A. Because it was an instantaneous</p> <p>6 transfer.</p> <p>7 Q. In underwriting the policy for</p> <p>8 2013 did you have any understanding as to</p> <p>9 whether World Fuel had the U.S. Government</p> <p>10 as a client of its -- on its accounts for</p> <p>11 various products?</p> <p>12 A. No.</p> <p>13 Q. So on that same page we were</p> <p>14 just looking at there's a number 5 under</p> <p>15 questions and answers -- actually, before</p> <p>16 I ask that, did you review the questions</p> <p>17 and answers here when you reviewed and</p> <p>18 edited this submission?</p> <p>19 A. Yes.</p> <p>20 Q. So you understood, as in number</p> <p>21 5, that there were at least some</p> <p>22 government sales done by World Fuel?</p> <p>23 A. Yes.</p> <p>24 Q. And in that number 5, was that</p> <p>25 something submitted by Mr. Bartsch or is</p>	<p style="text-align: right;">Page 77</p> <p>1 N. BROSNAN</p> <p>2 A. No.</p> <p>3 Q. Do you know what "NATO" was</p> <p>4 when you read this?</p> <p>5 A. Maybe not, no.</p> <p>6 Q. Did you assume it was the North</p> <p>7 Atlantic Treaty Organization, or have you</p> <p>8 ever heard of --</p> <p>9 A. Yes, I have.</p> <p>10 Q. -- NATO?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. So did you just assume that was</p> <p>13 NATO, the North Atlantic Treaty</p> <p>14 Organization, referenced there?</p> <p>15 A. Yes.</p> <p>16 Q. But you didn't make any</p> <p>17 inquiries about "DLA"?</p> <p>18 A. No.</p> <p>19 Q. Do you know what "DLA" stands</p> <p>20 for here?</p> <p>21 MR. NICOLETTI: Objection as to</p> <p>22 form.</p> <p>23 You can answer.</p> <p>24 A. I can't remember right now.</p> <p>25 Q. Well, in that last sentence it</p>

<p style="text-align: right;">Page 78</p> <p>1 N. BROSNAN</p> <p>2 says: "Title and risk of loss only</p> <p>3 transfers to DLA/NATO when the fuel is</p> <p>4 delivered to the airport/base."</p> <p>5 What was your understanding of</p> <p>6 that?</p> <p>7 A. I don't specifically remember</p> <p>8 emphasizing this particular point.</p> <p>9 Q. So it didn't catch your</p> <p>10 attention at the time, but you don't have</p> <p>11 any doubt that you looked at it?</p> <p>12 A. I'm assuming I read the entire</p> <p>13 submission.</p> <p>14 Q. Did you ever have any</p> <p>15 discussions at any time with anyone</p> <p>16 concerning when risk of loss transferred</p> <p>17 on World Fuel's business with the Defense</p> <p>18 Logistics Agency?</p> <p>19 A. No.</p> <p>20 Q. That never came up either in</p> <p>21 the context of underwriting or in</p> <p>22 connection with claims made under the</p> <p>23 policy?</p> <p>24 A. No.</p> <p>25 Q. After you got and reviewed this</p>	<p style="text-align: right;">Page 80</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 (Brosnan Exhibit 9, two-page</p> <p>4 document, handwritten notes, Bates AGCS</p> <p>5 BMF 00001 through 00002 was marked for</p> <p>6 identification)</p> <p>7 ---</p> <p>8 BY MR. MYERS:</p> <p>9 Q. Do you recognize the</p> <p>10 handwriting in Exhibit 9?</p> <p>11 A. Yes.</p> <p>12 Q. Whose is it?</p> <p>13 A. Brian McClintock's.</p> <p>14 Q. There are two pages here, of</p> <p>15 course, and I'm not sure the handwriting</p> <p>16 is the same on both, or that they even</p> <p>17 reflect the same thing.</p> <p>18 Do you recognize the</p> <p>19 handwriting on the second page?</p> <p>20 A. Yes.</p> <p>21 Q. And whose is that?</p> <p>22 A. Brian McClintock.</p> <p>23 Q. Do you, yourself, have any</p> <p>24 custom or practice in connection with</p> <p>25 accounts you're underwriting or about to</p>
<p style="text-align: right;">Page 79</p> <p>1 N. BROSNAN</p> <p>2 submission and edited it do you remember</p> <p>3 what the next thing you did in connection</p> <p>4 with the World Fuel account was?</p> <p>5 A. I believe we had a meeting with</p> <p>6 management, Danielle Rivera, Will Frohne,</p> <p>7 because we analyzed the submission and</p> <p>8 realized there were a number of factors</p> <p>9 that had to be considered, it was above my</p> <p>10 authority and we had a short time frame.</p> <p>11 So in order to get everyone</p> <p>12 here, it's back in again from 2012, we</p> <p>13 quoted it, short time frame. Do we want</p> <p>14 to go after it again. Do we want to quote</p> <p>15 it. Do we want to analyze the risk and</p> <p>16 move forward or do we want to just, you</p> <p>17 know, decline it right now.</p> <p>18 Q. Was this a face-to-face meeting</p> <p>19 or a telephonic meeting?</p> <p>20 A. Face-to-face.</p> <p>21 Q. Where?</p> <p>22 A. New York.</p> <p>23 MR. MYERS: I am going to ask</p> <p>24 our court reporter to mark as Exhibit 9</p> <p>25 AGCS BMF 1 and 2.</p>	<p style="text-align: right;">Page 81</p> <p>1 N. BROSNAN</p> <p>2 underwrite of taking handwritten notes of</p> <p>3 any meetings or even just your own</p> <p>4 thoughts about an account?</p> <p>5 A. No.</p> <p>6 Q. Did you take any handwritten</p> <p>7 notes of any meetings or conversations or</p> <p>8 discussions concerning the World Fuel</p> <p>9 account either in the underwriting or with</p> <p>10 respect to claims?</p> <p>11 A. Can you repeat that again?</p> <p>12 MR. MYERS: I'll have him read</p> <p>13 it back.</p> <p>14 (The reporter read back as</p> <p>15 follows:</p> <p>16 "Question: Did you take any</p> <p>17 handwritten notes of any meetings or</p> <p>18 conversations or discussions concerning</p> <p>19 the World Fuel account either in the</p> <p>20 underwriting or with respect to claims?")</p> <p>21 MR. NICOLETTI: Objection as to</p> <p>22 form.</p> <p>23 You can answer.</p> <p>24 A. Everything is in the</p> <p>25 underwriting referral. I may have marked</p>

<p style="text-align: right;">Page 82</p> <p>1 N. BROSNAN</p> <p>2 up the submission during our discussions.</p> <p>3 Q. The submission being number 8;</p> <p>4 Exhibit 8 we were looking at?</p> <p>5 A. Or the original submission.</p> <p>6 Yes.</p> <p>7 Q. If you were to have taken some</p> <p>8 notes on it, or scratched some stuff on</p> <p>9 it, what would you have done with it after</p> <p>10 that?</p> <p>11 A. Probably could be trashed or I</p> <p>12 could have scanned it to -- or typed it up</p> <p>13 into a format.</p> <p>14 Q. Do you remember actually doing</p> <p>15 that, or is this just based on your custom</p> <p>16 and practice you might have?</p> <p>17 A. This is just custom and</p> <p>18 practice.</p> <p>19 Q. So could have, you just don't</p> <p>20 remember doing that?</p> <p>21 A. I don't remember.</p> <p>22 Q. On the first page of Exhibit 9</p> <p>23 there -- these are Mr. McClintock's notes.</p> <p>24 The first one appears to be September 10,</p> <p>25 2013.</p>	<p style="text-align: right;">Page 84</p> <p>1 N. BROSNAN</p> <p>2 Q. Pipeline coverage?</p> <p>3 A. Correct.</p> <p>4 Q. Any other specific things that</p> <p>5 pop out to you, having looked at this?</p> <p>6 A. The cat sub limits. And the</p> <p>7 extra expense.</p> <p>8 And these are Brian's notes, so</p> <p>9 I really can't speak to them.</p> <p>10 Q. Well, having attended the</p> <p>11 meeting does it refresh your recollection</p> <p>12 of what got discussed on any of those</p> <p>13 topics?</p> <p>14 A. My recollection is that we were</p> <p>15 primarily based on Brazil and the timing</p> <p>16 issues.</p> <p>17 Q. In the lower right there's a</p> <p>18 reference to bulk oil clauses.</p> <p>19 Can you read what he wrote</p> <p>20 there?</p> <p>21 A. It looks like the asterisk,</p> <p>22 "Bulk oil clauses" -- "Petro"? "Petro,"</p> <p>23 and I don't know what the next --</p> <p>24 Q. "Petro China"?</p> <p>25 A. Could be.</p>
<p style="text-align: right;">Page 83</p> <p>1 N. BROSNAN</p> <p>2 Do you recognize, either based</p> <p>3 on the content, the date or the people,</p> <p>4 this being the meeting you referenced to</p> <p>5 talk about the account?</p> <p>6 A. I can't say specifically, but</p> <p>7 probably.</p> <p>8 Q. Does looking at the substance</p> <p>9 of what's here on this first page refresh</p> <p>10 any recollection of what happened on that</p> <p>11 call?</p> <p>12 MR. NICOLETTI: Call?</p> <p>13 Q. I'm sorry. In that meeting.</p> <p>14 Sorry.</p> <p>15 A. Yeah, well, actually from -- I</p> <p>16 think that says Danielle Rivera -- it's</p> <p>17 hard to read his handwriting -- that would</p> <p>18 be probably the first meeting that we had,</p> <p>19 again, that I spoke to earlier. And it</p> <p>20 specifically addresses some of the issues</p> <p>21 that we were concerned with, given the</p> <p>22 timeline.</p> <p>23 Q. Those issues being local policy</p> <p>24 in Brazil?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 85</p> <p>1 N. BROSNAN</p> <p>2 Q. Any recollection of what was</p> <p>3 discussed at the meeting on that topic?</p> <p>4 A. No.</p> <p>5 Q. Do you, yourself, have an</p> <p>6 understanding of the different varieties</p> <p>7 of bulk oil clauses that may be used in</p> <p>8 marine cargo underwriting?</p> <p>9 MR. NICOLETTI: Objection as to</p> <p>10 form.</p> <p>11 You can answer.</p> <p>12 A. Guaranteed outturn, SP-13.</p> <p>13 Yeah. It's normal industry wording that's</p> <p>14 used.</p> <p>15 Q. The things you just referenced,</p> <p>16 "guaranteed outturn," "SP-13C," those are</p> <p>17 industry wordings for bulk oil clauses?</p> <p>18 A. Correct.</p> <p>19 Q. Was it your understanding or</p> <p>20 belief that the World Fuel account would</p> <p>21 be underwritten to include some form of</p> <p>22 bulk oil clause?</p> <p>23 A. I'm not sure if it was</p> <p>24 originally presented that way, I would</p> <p>25 have to look back at the documents, but I</p>

<p style="text-align: right;">Page 86</p> <p>1 N. BROSNAN</p> <p>2 know that it did become an issue at the</p> <p>3 end, that Bob requested the wording, and</p> <p>4 therefore we gave it to him.</p> <p>5 Q. Prior to handling the World</p> <p>6 Fuel underwriting had you underwritten</p> <p>7 other accounts that involved bulk oil</p> <p>8 clauses?</p> <p>9 A. Not many, if -- if any.</p> <p>10 Q. So you don't remember any?</p> <p>11 A. Right.</p> <p>12 Q. And it could have been one but</p> <p>13 it's not something that you can even</p> <p>14 recall now?</p> <p>15 A. No, and nothing in AGCS.</p> <p>16 Q. So since you've been at AGCS</p> <p>17 there's been -- you've had no experience</p> <p>18 underwriting a bulk oil clause?</p> <p>19 MR. NICOLETTI: Objection as to</p> <p>20 form.</p> <p>21 You can answer.</p> <p>22 A. Yes.</p> <p>23 Q. You've also had no experience</p> <p>24 underwriting an account involving fuel,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 88</p> <p>1 N. BROSNAN</p> <p>2 Q. The second page of Exhibit 9,</p> <p>3 based on a wild guess by me, it appears to</p> <p>4 be Mr. McClintock's notes of September</p> <p>5 25 -- and can you tell if that's '13 or</p> <p>6 '14 in the date?</p> <p>7 A. It looks like 9-25-14.</p> <p>8 MR. MYERS: I'll ask our court</p> <p>9 reporter to mark as Exhibit 10 a document</p> <p>10 Bates-stamped AGCS NBH 159 through 168.</p> <p>11 ---</p> <p>12 (Brosnan Exhibit 10, World Fuel</p> <p>13 Services, et al., Ocean Cargo Insurance</p> <p>14 Program, Quotation for Marine Insurance,</p> <p>15 Bates AGCS NBH 00159 through 168 was</p> <p>16 marked for identification)</p> <p>17 ---</p> <p>18 MR. MYERS: I'm sorry. Is</p> <p>19 this -- oh, this is 10.</p> <p>20 MR. NICOLETTI: It's 10.</p> <p>21 BY MR. MYERS:</p> <p>22 Q. Do you recognize this one?</p> <p>23 A. This is the previous quote.</p> <p>24 Q. So this is the quote that AGCS</p> <p>25 had submitted in 2012?</p>
<p style="text-align: right;">Page 87</p> <p>1 N. BROSNAN</p> <p>2 A. Correct.</p> <p>3 Q. Were there people at AGCS who</p> <p>4 you turned to or relied on with respect to</p> <p>5 any nuances or issues that could arise on</p> <p>6 an account involving bulk liquids?</p> <p>7 A. Yes.</p> <p>8 Q. Who is that?</p> <p>9 A. I spoke with Tom Stubler,</p> <p>10 because he had written -- or he quoted the</p> <p>11 previous submission.</p> <p>12 And we spoke with, I'm not sure</p> <p>13 of the exact name, but someone regarding</p> <p>14 pipeline coverage, I think utilizing my</p> <p>15 energy -- Pete Connors, he gave us some</p> <p>16 information on the pipeline coverage, so</p> <p>17 we tried to vet that.</p> <p>18 And I believe we also tried to</p> <p>19 get in contact with loss control.</p> <p>20 Q. Any other sources of</p> <p>21 information you attempted to get on</p> <p>22 underwriting an account that involved bulk</p> <p>23 liquids?</p> <p>24 A. Not that I can recall right</p> <p>25 now.</p>	<p style="text-align: right;">Page 89</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 Q. You received a copy of this?</p> <p>4 A. It was in the underwriting</p> <p>5 referral database.</p> <p>6 Q. When you refer to the</p> <p>7 "underwriting referral database," what are</p> <p>8 you talking about?</p> <p>9 A. That's the vehicle that I</p> <p>10 use to put all my notes on a submission,</p> <p>11 quote -- and, you know, draft quote,</p> <p>12 perhaps, or something like that, that I</p> <p>13 will send up to management to get approval</p> <p>14 and further discussions.</p> <p>15 MR. MYERS: I'll ask the</p> <p>16 reporter to mark as Exhibit 11 AGCS RRD 2</p> <p>17 through 41.</p> <p>18 ---</p> <p>19 (Brosnan Exhibit 11, Ocean</p> <p>20 Cargo Risk Summary and Referral Sheet,</p> <p>21 Bates AGCS RRD 00002 through 00041 was</p> <p>22 marked for identification)</p> <p>23 ---</p> <p>24 BY MR. MYERS:</p> <p>25 Q. Do you recognize Exhibit 11?</p>

<p style="text-align: right;">Page 102</p> <p>1 N. BROSNAN</p> <p>2 (Reporter clarification)</p> <p>3 A. -- the broadest coverage, and</p> <p>4 SP-13C, which is the least broad.</p> <p>5 Q. When you talk about the breadth</p> <p>6 of those provisions, what do you mean?</p> <p>7 A. I would have to look at the</p> <p>8 wording to...</p> <p>9 Q. Well, as you sit here, without</p> <p>10 going through -- if you want to, the</p> <p>11 wording is all right in there. At least</p> <p>12 for a couple of them.</p> <p>13 A. Right.</p> <p>14 Q. More generically, what do you</p> <p>15 mean, "broader"?</p> <p>16 MR. NICOLETTI: Objection as to</p> <p>17 form. The documents speak for themselves.</p> <p>18 You can answer.</p> <p>19 A. Some include leakage,</p> <p>20 contamination. Some don't.</p> <p>21 Q. Is it your understanding that</p> <p>22 the guaranteed outturn includes those</p> <p>23 elements but the others don't?</p> <p>24 MR. NICOLETTI: The same</p> <p>25 objection.</p>	<p style="text-align: right;">Page 104</p> <p>1 N. BROSNAN</p> <p>2 Assured's employees, etc."?</p> <p>3 A. I don't remember.</p> <p>4 Q. So you talked about that topic</p> <p>5 with Mr. Stubler. Did you gain an</p> <p>6 understanding of what he was referring to?</p> <p>7 A. No.</p> <p>8 Q. So you just don't remember what</p> <p>9 that means, or how it got resolved, if it</p> <p>10 got resolved?</p> <p>11 A. It would -- it would reflect in</p> <p>12 the quote if we included it or didn't</p> <p>13 include it.</p> <p>14 Q. The word "surveys" there, do</p> <p>15 you know what that's a reference to?</p> <p>16 A. The surveys, the tank</p> <p>17 cleanliness surveys.</p> <p>18 Q. Tank what?</p> <p>19 A. Tank cleanliness surveys, I</p> <p>20 believe.</p> <p>21 Q. Had you previously underwritten</p> <p>22 an account that involved liquid transfers</p> <p>23 and surveys in connection with bulk</p> <p>24 liquids?</p> <p>25 A. No. I said that earlier.</p>
<p style="text-align: right;">Page 103</p> <p>1 N. BROSNAN</p> <p>2 You can answer.</p> <p>3 A. Yes.</p> <p>4 Q. Another thing in the first page</p> <p>5 of Exhibit 13 that Mr. Stubler says is</p> <p>6 "You will have to update to provide</p> <p>7 coverage for surveys conducted by the</p> <p>8 Assured's employees, etc."</p> <p>9 What does that mean?</p> <p>10 A. I went back to him, I believe,</p> <p>11 to ask for clarification on what exactly</p> <p>12 does he -- you know, are we changing.</p> <p>13 Because again, policy wording</p> <p>14 is something that we have preapproved.</p> <p>15 Anything that we're doing outside the</p> <p>16 approved forms have to be approved by</p> <p>17 management.</p> <p>18 Q. So you understood that</p> <p>19 "coverage for surveys conducted by</p> <p>20 Assured's employees, etc.," was something</p> <p>21 potentially outside of the approved forms</p> <p>22 that you had to talk to him about?</p> <p>23 A. It appears implied there.</p> <p>24 Q. What did you learn about</p> <p>25 "coverage for surveys conducted by the</p>	<p style="text-align: right;">Page 105</p> <p>1 N. BROSNAN</p> <p>2 Q. And that's one reason you</p> <p>3 wanted to follow up with Tom?</p> <p>4 A. Right.</p> <p>5 MR. MYERS: I'll ask our court</p> <p>6 reporter to mark as Exhibit 14 AGCS EM</p> <p>7 6890 through 93.</p> <p>8 ---</p> <p>9 (Brosnan Exhibit 14, e-mail</p> <p>10 chain, topmost e-mail dated September 25,</p> <p>11 2013, from Noreen Brosnan to Robert</p> <p>12 Bartsch, et al., with attachment, Bates</p> <p>13 AGCS EM 06890 through 893 was marked for</p> <p>14 identification)</p> <p>15 ---</p> <p>16 BY MR. MYERS:</p> <p>17 Q. Do you recognize these as</p> <p>18 e-mails you got from Bob Bartsch in</p> <p>19 connection with this account?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall Mr. Bartsch</p> <p>22 comparing the possible AGCS coverage with</p> <p>23 the incumbent AIG coverage and sending you</p> <p>24 these e-mails about it?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 106</p> <p>1 N. BROSNAN</p> <p>2 Q. Do you have a specific memory</p> <p>3 of actually discussing this with him?</p> <p>4 Because I note at the top he says, left</p> <p>5 you a voicemail, call me when you have</p> <p>6 time.</p> <p>7 A. I believe so.</p> <p>8 Q. Tell me what was said in that</p> <p>9 or those conversations.</p> <p>10 A. I can't speak to all the</p> <p>11 details, but we discussed, probably, each</p> <p>12 one of these items. Referenced items.</p> <p>13 Q. On page 6892 there's a</p> <p>14 reference to "Premium," which says</p> <p>15 "Allianz \$1,200,000" -- blah, blah,</p> <p>16 blah -- and then below that it says</p> <p>17 "London: \$1,375,000," blah, blah, blah.</p> <p>18 Had you, by that time, told</p> <p>19 Mr. Bartsch the estimated premium that you</p> <p>20 thought you would be able to quote?</p> <p>21 A. It appears that way.</p> <p>22 Q. Did you do that in writing or</p> <p>23 did you just tell him over the phone where</p> <p>24 you thought the premium was going to come</p> <p>25 in, or how did that work?</p>	<p style="text-align: right;">Page 108</p> <p>1 N. BROSNAN</p> <p>2 That Are Most Important," and part of that</p> <p>3 is "London offers GO coverage</p> <p>4 automatically."</p> <p>5 That was part of your</p> <p>6 discussion on or near September 25 in</p> <p>7 connection with these e-mails?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember what was said</p> <p>10 about GO?</p> <p>11 And I take it that's a</p> <p>12 reference to guaranteed outturn on bulk</p> <p>13 liquids clause?</p> <p>14 A. Yes, it is guaranteed outturn.</p> <p>15 We -- we were going to offer it</p> <p>16 at an increased rate, London was offering</p> <p>17 it automatically as a default coverage,</p> <p>18 and in order to be competitive with London</p> <p>19 we chose to do the same thing.</p> <p>20 Q. At this point in time you</p> <p>21 hadn't actually issued a formal quote,</p> <p>22 correct?</p> <p>23 A. I'm not sure of the date of the</p> <p>24 formal quote, but if you say so.</p> <p>25 Q. That's my question.</p>
<p style="text-align: right;">Page 107</p> <p>1 N. BROSNAN</p> <p>2 A. I -- I don't remember.</p> <p>3 Q. Well, in your custom and</p> <p>4 practice with Mr. Bartsch, who you've</p> <p>5 known for, what, twenty-five, thirty</p> <p>6 years --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. -- did you have a practice of</p> <p>9 talking with him about what pricing you</p> <p>10 anticipated before you actually issued a</p> <p>11 quote?</p> <p>12 A. We could, but normally I would</p> <p>13 say it was an indication of a range.</p> <p>14 Q. I don't mean to put</p> <p>15 Mr. Bartsch's words in your mouth, but do</p> <p>16 you have any reason to doubt that you told</p> <p>17 him that you thought the indicated range</p> <p>18 would be about a million-2 as of this</p> <p>19 point in time?</p> <p>20 MR. NICOLETTI: Objection as to</p> <p>21 form.</p> <p>22 You can answer.</p> <p>23 A. No.</p> <p>24 Q. One of the items he notes, also</p> <p>25 on page 6892, is "The Major Differences</p>	<p style="text-align: right;">Page 109</p> <p>1 N. BROSNAN</p> <p>2 A. I don't know -- I don't know</p> <p>3 off the top of my head the actual date of</p> <p>4 the quote.</p> <p>5 Q. I'll tell you that we have</p> <p>6 quotes dated September 29, 2013.</p> <p>7 Did you issue any actual quote</p> <p>8 before then?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. So the conversations you had</p> <p>11 with Mr. Bartsch about pricing or terms,</p> <p>12 et cetera, were all based on the risk</p> <p>13 referral internal conversations you had</p> <p>14 had at AGCS, et cetera, but not</p> <p>15 specifically based on a quote you had</p> <p>16 submitted?</p> <p>17 A. Yes.</p> <p>18 MR. MYERS: I'll ask our court</p> <p>19 reporter to mark as Exhibit 14 AGCS EM</p> <p>20 11503 through 506.</p> <p>21 ---</p> <p>22 (Brosnan Exhibit 15, e-mail</p> <p>23 chain, topmost e-mail dated September 26,</p> <p>24 2013, from Robert Bartsch to Noreen</p> <p>25 Brosnan, Bates AGCS EM 11503 through 506</p>

<p style="text-align: right;">Page 110</p> <p>1 N. BROSNAN</p> <p>2 was marked for identification)</p> <p>3 ---</p> <p>4 MR. MYERS: I'm sorry. 15.</p> <p>5 BY MR. MYERS:</p> <p>6 Q. This is an e-mail stream</p> <p>7 between you and Mr. Bartsch on this</p> <p>8 account?</p> <p>9 A. Yes.</p> <p>10 Q. And on page 11506, as of</p> <p>11 September 26 you had a belief that, based</p> <p>12 on what you had discussed with</p> <p>13 Mr. Bartsch, that you might be able to</p> <p>14 seal the deal at that point and actually</p> <p>15 underwrite this account?</p> <p>16 MR. NICOLETTI: Objection; the</p> <p>17 document speaks for itself.</p> <p>18 Over objection, you can answer.</p> <p>19 A. We had spoken about variances</p> <p>20 that were needed based on his comments in</p> <p>21 your last exhibit, and we were in the</p> <p>22 final stages of negotiating the price.</p> <p>23 Q. And you wanted to seal the</p> <p>24 deal, you wanted to get this business?</p> <p>25 A. Sure.</p>	<p style="text-align: right;">Page 112</p> <p>1 N. BROSNAN</p> <p>2 AFTERNOON SESSION</p> <p>3 (Time Noted: 12:52 p.m.)</p> <p>4 THE VIDEOGRAPHER: This begins</p> <p>5 Unit 4 in the deposition of Noreen</p> <p>6 Brosnan. We're on the record at 12:52.</p> <p>7</p> <p>8 NOREEN BROSNAN,</p> <p>9 resumed as a witness, having been</p> <p>10 previously sworn by the Notary Public,</p> <p>11 was examined and testified further as</p> <p>12 follows:</p> <p>13 CONTINUED EXAMINATION</p> <p>14 BY MR. MYERS:</p> <p>15 Q. Ms. Brosnan, while we were off</p> <p>16 the record we marked Exhibit 16, which is</p> <p>17 more e-mail between you and Bob Bartsch?</p> <p>18 A. Yes.</p> <p>19 ---</p> <p>20 (Brosnan Exhibit 16, e-mail</p> <p>21 chain, topmost e-mail dated October 1,</p> <p>22 2013, from Noreen Brosnan to Noreen</p> <p>23 Brosnan, et al., with attachment, Bates</p> <p>24 AGCS EM 06649 through 657 was marked for</p> <p>25 identification)</p>
<p style="text-align: right;">Page 111</p> <p>1 N. BROSNAN</p> <p>2 MR. NICOLETTI: Objection as to</p> <p>3 form.</p> <p>4 BY MR. MYERS:</p> <p>5 Q. And on the first page Bob says</p> <p>6 "Let's give it a shot."</p> <p>7 Do you know what he meant by</p> <p>8 that?</p> <p>9 A. I assume he had to discuss with</p> <p>10 World Fuel their expectations.</p> <p>11 MR. MYERS: I'm told we have</p> <p>12 run out of media and need to change a disk</p> <p>13 or whatever, hard drive or whatever he's</p> <p>14 using, so let's go off the record.</p> <p>15 MR. NICOLETTI: Okay.</p> <p>16 THE VIDEOGRAPHER: This ends</p> <p>17 Unit No. 3. We're off the record at</p> <p>18 11:50.</p> <p>19 ---</p> <p>20 (Lunch recess taken at 11:50 a.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 113</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 BY MR. MYERS:</p> <p>4 Q. I'm interested in the page</p> <p>5 6651, which is an e-mail you sent to Bob,</p> <p>6 copying Brian and Tom Stubler, and on that</p> <p>7 page you address "GOT only."</p> <p>8 A. Guaranteed outturn.</p> <p>9 Q. And you say it's your</p> <p>10 preference to maintain "Broad Form with</p> <p>11 the GOT option"?</p> <p>12 A. (Witness nodded.)</p> <p>13 Q. How would that operate in the</p> <p>14 policy?</p> <p>15 A. The assured would have the</p> <p>16 option, based on the commercial documents,</p> <p>17 to -- to use either a guaranteed outturn</p> <p>18 or broad form.</p> <p>19 Q. And one of the things you say</p> <p>20 slightly further down in that paragraph</p> <p>21 is: "We are also wondering since we</p> <p>22 duplicated the historical terms and</p> <p>23 conditions, how often did they report and</p> <p>24 declare GOT under the terms of the</p> <p>25 expiring policy."</p>

<p style="text-align: right;">Page 118</p> <p>1 N. BROSNAN</p> <p>2 we have that question and answer read</p> <p>3 back?</p> <p>4 (The reporter read back as</p> <p>5 follows:</p> <p>6 "Question: You don't remember</p> <p>7 one way or the other?</p> <p>8 "Answer: No.")</p> <p>9 BY MR. MYERS:</p> <p>10 Q. That is, you don't remember?</p> <p>11 MR. NICOLETTI: It was a double</p> <p>12 negative. That's why. He wants you to</p> <p>13 clarify it.</p> <p>14 A. I don't remember.</p> <p>15 Q. Do you remember whether at this</p> <p>16 point in time you were comfortable with</p> <p>17 what the potential pricing was for this</p> <p>18 policy?</p> <p>19 MR. NICOLETTI: Objection as to</p> <p>20 form.</p> <p>21 You can answer.</p> <p>22 A. I believe so.</p> <p>23 Q. Back in Exhibit 17 you</p> <p>24 indicated you believed Mr. McClintock was</p> <p>25 frustrated at this point. Did you and he</p>	<p style="text-align: right;">Page 120</p> <p>1 N. BROSNAN</p> <p>2 was marked for identification)</p> <p>3 ---</p> <p>4 BY MR. MYERS:</p> <p>5 Q. So here we are the day before,</p> <p>6 or a couple of days before this account</p> <p>7 would have to be either bound or not, and</p> <p>8 you wrote to Mr. Bartsch in the second</p> <p>9 paragraph: "Right now I believe we are</p> <p>10 \$200,000 cheaper than London on the master</p> <p>11 program. AGCS: \$1,000,000 net. London</p> <p>12 \$1.203 [sic] (12.5 percent commission.)"</p> <p>13 So at this point you had</p> <p>14 reduced the price that you were going to</p> <p>15 quote on the policy to a million bucks?</p> <p>16 MR. NICOLETTI: Objection as to</p> <p>17 form.</p> <p>18 You can answer.</p> <p>19 A. Correct.</p> <p>20 Q. You and Mr. McClintock were</p> <p>21 comfortable with that pricing?</p> <p>22 MR. NICOLETTI: The same</p> <p>23 objection.</p> <p>24 You can answer.</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 119</p> <p>1 N. BROSNAN</p> <p>2 discuss his frustration?</p> <p>3 MR. NICOLETTI: Objection as to</p> <p>4 form.</p> <p>5 You can answer.</p> <p>6 A. It doesn't appear that we</p> <p>7 discussed anything further that day.</p> <p>8 Q. You don't remember discussing</p> <p>9 his frustration with him about how the</p> <p>10 account was being handled by Mr. Bartsch</p> <p>11 or otherwise at any time prior to binding?</p> <p>12 MR. NICOLETTI: The same</p> <p>13 objection.</p> <p>14 You can answer.</p> <p>15 A. No.</p> <p>16 MR. MYERS: I'll ask our court</p> <p>17 reporter to mark as Exhibit 17 --</p> <p>18 MR. NICOLETTI: 18.</p> <p>19 MR. MYERS: Sorry.</p> <p>20 -- 18, AGCS EM 1576 through 80.</p> <p>21 ---</p> <p>22 (Brosnan Exhibit 18, e-mail</p> <p>23 chain, topmost e-mail dated September 29,</p> <p>24 2013, from Noreen Brosnan to Robert</p> <p>25 Bartsch, Bates AGCS EM 01576 through 1580</p>	<p style="text-align: right;">Page 121</p> <p>1 N. BROSNAN</p> <p>2 Q. How did you achieve the</p> <p>3 reduction in pricing?</p> <p>4 A. I would have to go back to my</p> <p>5 pricing spreadsheet.</p> <p>6 Q. Your pricing spreadsheet, what</p> <p>7 is that?</p> <p>8 A. It's included in the</p> <p>9 underwriting referral.</p> <p>10 Q. Off the top you don't remember</p> <p>11 how you got there; what things got reduced</p> <p>12 or what elements were changed?</p> <p>13 A. No.</p> <p>14 Q. You wanted to get this account,</p> <p>15 though, and you were willing to meet or</p> <p>16 beat London's pricing in order to get it?</p> <p>17 MR. NICOLETTI: Objection as to</p> <p>18 form.</p> <p>19 You can answer.</p> <p>20 A. Correct.</p> <p>21 Q. To this point in time had you,</p> <p>22 yourself, had any communications directly</p> <p>23 with World Fuel's people, employees, such</p> <p>24 as David Hornaday?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 134</p> <p>1 N. BROSNAN</p> <p>2 business?</p> <p>3 A. No. It was 4:18. Bob usually</p> <p>4 leaves at about 3:30 every day.</p> <p>5 Q. Yeah, but he didn't call you</p> <p>6 the day before or something to say, hey,</p> <p>7 we're going to go with your --</p> <p>8 A. No.</p> <p>9 Q. Nothing like that?</p> <p>10 A. No.</p> <p>11 Q. And you were pleased that you</p> <p>12 had landed this account?</p> <p>13 MR. NICOLETTI: Objection as to</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 A. Sure.</p> <p>17 Q. In terms of premium volume, how</p> <p>18 did this one rank in terms of the other</p> <p>19 accounts you write?</p> <p>20 A. I have ones that are over seven</p> <p>21 figures, so this was just an additional</p> <p>22 one.</p> <p>23 Q. Is there any format you could</p> <p>24 use in the 10 million you referred to</p> <p>25 earlier as to where this one would rank in</p>	<p style="text-align: right;">Page 136</p> <p>1 N. BROSNAN</p> <p>2 to whatever conversation I was having.</p> <p>3 Q. Is that type of repartee</p> <p>4 something that happens just with Bob</p> <p>5 Bartsch or is this something that happens</p> <p>6 on other broker accounts you handle?</p> <p>7 MR. NICOLETTI: Objection as to</p> <p>8 form.</p> <p>9 You can answer.</p> <p>10 A. I might call my husband that,</p> <p>11 too, sometimes, but, um... no, it depends</p> <p>12 on the forwards. It's just general</p> <p>13 colleagues going back and forth.</p> <p>14 Q. Do you have family members who</p> <p>15 are in the insurance industry?</p> <p>16 A. No.</p> <p>17 Q. How is it you chose to get into</p> <p>18 the insurance industry?</p> <p>19 A. That's a good question.</p> <p>20 Through The College of</p> <p>21 Insurance. I was working -- you know, I</p> <p>22 knew I was going to get a BBA and I heard</p> <p>23 about The College of Insurance work/study</p> <p>24 program. I wanted a business degree.</p> <p>25 Q. Many people who want business</p>
<p style="text-align: right;">Page 135</p> <p>1 N. BROSNAN</p> <p>2 the hierarchy by numerical volume on the</p> <p>3 accounts you wrote?</p> <p>4 A. Probably in my top 30 percent.</p> <p>5 Q. Do you remember some</p> <p>6 communications where you and Mr. Bartsch</p> <p>7 were using terms of affection with each</p> <p>8 other, like "sweetie" and "pumpkin" --</p> <p>9 A. Yes.</p> <p>10 Q. -- and things like that?</p> <p>11 A. Yes.</p> <p>12 Q. Is that something you and he</p> <p>13 did routinely?</p> <p>14 A. Depending on how angry I got at</p> <p>15 him, I would usually say "pumpkin" as</p> <p>16 opposed to something else, yes.</p> <p>17 Q. Well, when you were angry what</p> <p>18 did you call him? Unless it was</p> <p>19 "pumpkin."</p> <p>20 A. Pumpkin, sweetie. It was</p> <p>21 just --</p> <p>22 Q. Got it.</p> <p>23 So those terms express</p> <p>24 unhappiness when you --</p> <p>25 A. No, I can't say. It's relevant</p>	<p style="text-align: right;">Page 137</p> <p>1 N. BROSNAN</p> <p>2 degrees don't necessarily seek out</p> <p>3 insurance. I wonder if there was some</p> <p>4 motivation you had to select a --</p> <p>5 A. They paid for my education, and</p> <p>6 they provided me with work experience. I</p> <p>7 came out with a bachelor of business</p> <p>8 degree and five years of work experience.</p> <p>9 Q. So were your managers, bosses,</p> <p>10 colleagues pleased that you had landed</p> <p>11 World Fuel?</p> <p>12 MR. NICOLETTI: Objection as to</p> <p>13 form.</p> <p>14 You can answer.</p> <p>15 A. Sure.</p> <p>16 Q. Do you remember getting some</p> <p>17 congratulations from people; Mr. Frohne,</p> <p>18 for example?</p> <p>19 A. I don't remember, but I did get</p> <p>20 congratulations.</p> <p>21 MR. MYERS: I'll ask our court</p> <p>22 reporter to mark as Exhibit 24 a document</p> <p>23 that starts with AGCS NBH 129.</p> <p>24 ---</p> <p>25 (Brosnan Exhibit 24, Allianz</p>

<p style="text-align: right;">Page 142</p> <p>1 N. BROSNAN</p> <p>2 You can answer.</p> <p>3 A. Corporately this is not a</p> <p>4 fail-proof system. It has many -- many</p> <p>5 flaws, including the amount of segments,</p> <p>6 and management knows that. It's -- again,</p> <p>7 it's a baseline. We use -- we do not use</p> <p>8 this -- we don't even have to -- a</p> <p>9 referral isn't triggered based on A, B, C</p> <p>10 overall score. The referrals are based on</p> <p>11 our ultimate pricing spreadsheet, which is</p> <p>12 embedded in the underwriting referral.</p> <p>13 Q. So the fact that this mechanism</p> <p>14 at AGCS has ranked this risk as a C is not</p> <p>15 relevant to whether or not you bind or</p> <p>16 anything else?</p> <p>17 A. That's correct.</p> <p>18 Q. Do you know what that scoring</p> <p>19 is used for, if anything?</p> <p>20 A. No.</p> <p>21 MR. MYERS: I'll ask our court</p> <p>22 reporter to mark as Exhibit 25 AGCS EM</p> <p>23 6658 through 74.</p> <p>24 ---</p> <p>25 (Brosnan Exhibit 25, World Fuel</p>	<p style="text-align: right;">Page 144</p> <p>1 N. BROSNAN</p> <p>2 Do you see this is a revised</p> <p>3 quote effective October 1, 2013?</p> <p>4 A. Yes.</p> <p>5 Q. Exhibit 25 is something you</p> <p>6 prepared?</p> <p>7 A. Yes.</p> <p>8 Q. Why did you prepare a revised</p> <p>9 quote?</p> <p>10 A. To reflect changes that were...</p> <p>11 Q. Any changes that you recall off</p> <p>12 the top, other than effective date and</p> <p>13 premium?</p> <p>14 A. No, not off the top. No.</p> <p>15 Q. And at some point, whether it</p> <p>16 was through Exhibit 16 or otherwise, you</p> <p>17 sent Exhibit 25 off to Bob Bartsch?</p> <p>18 MR. NICOLETTI: Objection as to</p> <p>19 form.</p> <p>20 A. Yes.</p> <p>21 Q. Other than what I've asked you</p> <p>22 about so far, do you remember any</p> <p>23 specifics of underwriting the World Fuel</p> <p>24 2013-'14 cargo policy that I haven't asked</p> <p>25 you about?</p>
<p style="text-align: right;">Page 143</p> <p>1 N. BROSNAN</p> <p>2 Services Ocean Cargo Marine Insurance</p> <p>3 Proposal, Effective October 1, 2013, Bates</p> <p>4 AGCS EM 06658 through 674 was marked for</p> <p>5 identification)</p> <p>6 ---</p> <p>7 BY MR. MYERS:</p> <p>8 Q. And if you could also pull out</p> <p>9 what we previously marked as 16, that</p> <p>10 would be useful.</p> <p>11 And in 16 do you see that there</p> <p>12 is a subject line in your e-mail --</p> <p>13 actually, sent to yourself and copied to</p> <p>14 Bob Bartsch, it says: "Note amended copy</p> <p>15 attaching [sic] reflecting changes to</p> <p>16 effective date and revised quote date."</p> <p>17 Is this, in Exhibit 16, the</p> <p>18 e-mail you used to send Exhibit 25 to</p> <p>19 Mr. Bartsch?</p> <p>20 A. I don't know if I can tell from</p> <p>21 the attachment. Well, the only way I can</p> <p>22 tell from the attachment is it notes the</p> <p>23 \$1 million premium.</p> <p>24 Q. Well, let's look at Exhibit 25</p> <p>25 for a second.</p>	<p style="text-align: right;">Page 145</p> <p>1 N. BROSNAN</p> <p>2 MR. NICOLETTI: Objection as to</p> <p>3 form.</p> <p>4 You can answer.</p> <p>5 A. No.</p> <p>6 Q. So you don't remember any other</p> <p>7 things that came up, or issues that</p> <p>8 developed or strange communications with</p> <p>9 pumpkin, whomever?</p> <p>10 MR. NICOLETTI: Objection;</p> <p>11 asked and answered.</p> <p>12 You can answer over the</p> <p>13 objection.</p> <p>14 A. No.</p> <p>15 Q. After the policy was bound and</p> <p>16 invoices were sent out, et cetera, do you</p> <p>17 remember anything that happened on the</p> <p>18 World Fuel account in the two to three</p> <p>19 months after it was first bound?</p> <p>20 MR. NICOLETTI: Objection as to</p> <p>21 form.</p> <p>22 You can answer.</p> <p>23 A. Two to three months after?</p> <p>24 Q. Yes.</p> <p>25 A. The contamination claim?</p>

Page 146

1 N. BROSNAN
2 MR. MYERS: Let's ask Frank,
3 Mr. Court Reporter, to mark as Exhibit 25,
4 AGCS EM 5725.
5 MR. NICOLETTI: It's Exhibit
6 26.
7 MR. MYERS: Okay.
8 ---
9 (Brosnan Exhibit 26, e-mail
10 chain, topmost e-mail dated January 10,
11 2014, from Noreen Brosnan to Joseph
12 Mainente, et al., Bates AGCS EM 05725
13 through 726 was marked for identification)
14 ---
15 MR. MYERS: And it also
16 contains 5726.
17 BY MR. MYERS:
18 Q. These are some e-mails between
19 you and various others at AGCS concerning
20 the contamination claim that you
21 mentioned?
22 A. Yes, it appears so.
23 Q. Tell me what you recall,
24 putting this e-mail aside for a second,
25 about how you heard about a contamination

Page 147

1 N. BROSNAN
2 claim, what it involved, and what your
3 claims people were doing with it?
4 A. I don't believe I heard --
5 MR. NICOLETTI: Objection as to
6 form. Multiple questions.
7 You can answer as best you can.
8 A. The only way I've heard about
9 it was from an e-mail from our claims
10 person.
11 Q. So here Exhibit 26 is the first
12 and only way you heard about it?
13 A. Correct.
14 Q. And when you saw that -- strike
15 that.
16 Do you know Joseph Mainente?
17 A. Mainente.
18 Q. Thank you.
19 Who is he?
20 A. Our claims representative.
21 Q. So to this point you had been
22 at AGCS for some six years -- six, seven
23 years?
24 A. Yes.
25 Q. I should have said AGCS or its

Page 148

1 N. BROSNAN
2 predecessors, to include Fireman's Fund.
3 And you had been in the
4 industry for twenty or so years before
5 that?
6 A. Yes.
7 Q. Had you had claims made on
8 accounts you underwrote?
9 A. Yes.
10 Q. Did that happen with some
11 frequency over your career?
12 MR. NICOLETTI: Objection as to
13 form.
14 You can answer.
15 A. No.
16 Q. How often did it happen?
17 A. I can't speak to -- I've had
18 numerous accounts.
19 Q. So you cannot say with any kind
20 of estimate how frequently claims would
21 come up?
22 A. Not -- not often. I mean,
23 with -- no.
24 Q. So something like once a year,
25 once every couple of years?

Page 149

1 N. BROSNAN
2 A. Is the question relative to a
3 \$12 million amount?
4 Q. The question was relative to
5 your career. I'm going to narrow it if
6 you're not able to give me something more
7 broad.
8 A. Yeah.
9 Q. So you can't give us an
10 estimate of how frequently claims came up
11 on your accounts since the days of Royal?
12 A. Not often. And my book of
13 business has been profitable.
14 Q. What does that mean, has been
15 profitable?
16 A. Overall the accounts that I
17 manage in my portfolio of business has had
18 an acceptable loss ratio, overall.
19 Q. Does AGCS track the loss ratio
20 on your accounts?
21 A. You can get -- you can pull a
22 P&L.
23 Q. And a P&L would reflect loss
24 ratios?
25 A. Premium and losses, historical

Page 150

1 N. BROSNAN
2 to each account.
3 Q. So that data is available to
4 you, if you wish to view it?
5 A. Yes.
6 Q. Do you view it?
7 A. Annual reviews of each policy.
8 Q. "Annual reviews of each
9 policy." So what does that mean? When a
10 policy comes up for renewal you guys look
11 at the P&L?
12 MR. NICOLETTI: Objection as to
13 form.
14 You can answer.
15 A. Yes.
16 Q. To determine how profitable
17 it's been?
18 A. In conjunction with the new
19 renewal information and exposures that
20 exist.
21 Q. And as a general matter, the
22 greater the volume and severity of claims,
23 the less profitable the business?
24 MR. NICOLETTI: Objection as to
25 form.

Page 151

1 N. BROSNAN
2 You can answer.
3 A. As a general matter.
4 Q. Since you've been at AGCS can
5 you tell us how frequently claims would
6 come up on policies you underwrote?
7 A. Not often.
8 Q. Meaning once every couple of
9 years? There's only been one? Can you
10 give us any further, more detailed
11 information?
12 A. I can't, no.
13 Q. Are you aware of any claim
14 actually having been paid by AGCS on any
15 accounts you underwrote?
16 MR. NICOLETTI: Objection as to
17 form.
18 We're now going --
19 A. Yes.
20 MR. NICOLETTI: -- into
21 argumentative.
22 You can answer.
23 A. Yes.
24 Q. Do you remember specific claims
25 and amounts associated with them?

Page 152

1 N. BROSNAN
2 A. No.
3 Q. Can you tell us the largest
4 claim that was paid, in dollars or euros
5 or whatever the currency, by AGCS on any
6 account you underwrote?
7 A. No.
8 Q. Was there ever a claim on an
9 account you wrote that was paid and the
10 claim was in excess of \$5 million?
11 A. No.
12 Q. Was there ever a claim on a
13 policy you underwrote and AGCS paid it on
14 a claim in excess of \$2 million?
15 A. No.
16 I'll take that back.
17 No -- that I wrote? No. That
18 I handled? Possibly.
19 Q. I see. By "handled" there you
20 mean you worked on or took over an
21 account --
22 A. Written by a previous
23 underwriter.
24 Q. Have you ever had a claim over
25 a million bucks that was paid?

Page 153

1 N. BROSNAN
2 A. Yes.
3 Q. How many?
4 A. I don't know, but less than
5 five.
6 Q. The last series of questions
7 that I asked you were about claims that
8 were paid.
9 Have you had claims made under
10 policies you've underwritten at AGCS which
11 were denied?
12 A. Yes.
13 Q. Other than the World Fuel claim
14 that we're talking about today, how often
15 has that happened?
16 MR. NICOLETTI: Objection as to
17 form.
18 You can answer.
19 A. Not -- I can't even speak to
20 numbers. But not often. I don't have a
21 lot of claims under my accounts.
22 Q. Do you remember any claim that
23 was denied where the amount of the claim
24 was asserted to be excess of a million
25 dollars?

<p style="text-align: right;">Page 162</p> <p>1 N. BROSNAN</p> <p>2 the potential loss, yes.</p> <p>3 Q. And the only thing you did was</p> <p>4 to later look at the P&L to see whether</p> <p>5 anything had been paid?</p> <p>6 MR. NICOLETTI: Objection;</p> <p>7 asked and answered.</p> <p>8 You can answer it one more</p> <p>9 time.</p> <p>10 A. Yes. Discussed it, brought it</p> <p>11 to the attention of my manager.</p> <p>12 Q. When you say "discussed," this</p> <p>13 only reflects a copy of the e-mail. Did</p> <p>14 you have any discussions with Brian or any</p> <p>15 managers at AGCS about this claim?</p> <p>16 A. Only to the extent, hey, we</p> <p>17 just wrote this, there's a \$12 million</p> <p>18 loss.</p> <p>19 Details, no.</p> <p>20 Q. So you can't remember any</p> <p>21 detail of any such conversation you had</p> <p>22 with Brian or anybody else?</p> <p>23 A. No.</p> <p>24 Q. That is: No, I don't remember?</p> <p>25 A. No, I don't remember.</p>	<p style="text-align: right;">Page 164</p> <p>1 N. BROSNAN</p> <p>2 You can answer.</p> <p>3 A. I never really think that</p> <p>4 they're going to put a claim notification</p> <p>5 on an e-mail website.</p> <p>6 Q. Well --</p> <p>7 A. Yeah.</p> <p>8 Q. You signed up for this one</p> <p>9 pretty shortly after you got notice of the</p> <p>10 claim, I think two days later, right?</p> <p>11 A. Right.</p> <p>12 Q. Did you have a custom and</p> <p>13 practice of signing up for alerts to</p> <p>14 receive from other policyholders?</p> <p>15 A. I do have other policyholders,</p> <p>16 yes. Large accounts.</p> <p>17 Q. That you sign up to receive</p> <p>18 alerts from?</p> <p>19 A. Yes.</p> <p>20 MR. MYERS: I'll ask our court</p> <p>21 reporter to mark as Exhibit 28 a complaint</p> <p>22 that includes some policy information.</p> <p>23 ---</p> <p>24 (Brosnan Exhibit 28, Complaint</p> <p>25 was marked for identification)</p>
<p style="text-align: right;">Page 163</p> <p>1 N. BROSNAN</p> <p>2 MR. MYERS: I'll ask our court</p> <p>3 reporter to mark as Exhibit 27 AGCS EM</p> <p>4 9780.</p> <p>5 ---</p> <p>6 (Brosnan Exhibit 27, e-mail</p> <p>7 dated January 12, 2014, from World Fuel</p> <p>8 Services to Noreen Brosnan, Bates AGCS EM</p> <p>9 09780 was marked for identification)</p> <p>10 ---</p> <p>11 BY MR. MYERS:</p> <p>12 Q. So Exhibit 27 is an e-mail you</p> <p>13 got from World Fuel?</p> <p>14 A. For e-mail alerts.</p> <p>15 Q. Right. So you went and signed</p> <p>16 up on their corporate website to get</p> <p>17 alerts about the company?</p> <p>18 A. Correct.</p> <p>19 Q. Why did you do that?</p> <p>20 A. It's not unusual to do that on</p> <p>21 any large accounts so you can know of</p> <p>22 acquisitions, mergers.</p> <p>23 Q. Potential claims?</p> <p>24 MR. NICOLETTI: Objection as to</p> <p>25 form.</p>	<p style="text-align: right;">Page 165</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 BY MR. MYERS:</p> <p>4 Q. I'm not going to ask you to</p> <p>5 read the complaint. However, if you turn</p> <p>6 to the last page of the complaint itself,</p> <p>7 11, and you go on to Exhibit 1 and then 2</p> <p>8 to the complaint, do you recognize the</p> <p>9 documents in those two exhibits?</p> <p>10 A. Exhibit 1? I'm not sure I'm</p> <p>11 looking at the right one.</p> <p>12 Q. Yes.</p> <p>13 A. And Exhibit 2.</p> <p>14 I'm sorry. What page is</p> <p>15 Exhibit 2 again on?</p> <p>16 Q. Well, if --</p> <p>17 MR. NICOLETTI: They're not</p> <p>18 numbered. You'll see it on the face page.</p> <p>19 BY MR. MYERS:</p> <p>20 Q. After page 12 of Exhibit 1</p> <p>21 you'll see Exhibit 2.</p> <p>22 A. Okay, I've got it.</p> <p>23 Q. And I think they've</p> <p>24 double-sided these, sorry for that, and</p> <p>25 we'll substitute corrected ones for</p>

<p style="text-align: right;">Page 166</p> <p>1 N. BROSNAN</p> <p>2 transcript purposes.</p> <p>3 Do you recognize Exhibits 1</p> <p>4 and 2?</p> <p>5 A. Yes.</p> <p>6 Q. They have your initials in the</p> <p>7 lower right-hand corner?</p> <p>8 A. Yes.</p> <p>9 Q. And you -- strike that.</p> <p>10 What are they?</p> <p>11 A. My initials?</p> <p>12 Q. That's a good question.</p> <p>13 What are Exhibits 1 and 2?</p> <p>14 A. Oh, the confirmation of</p> <p>15 insurance. And the actual policy of</p> <p>16 insurance that was issued.</p> <p>17 Q. So this is the confirmation of</p> <p>18 insurance for the World Fuel policy for</p> <p>19 2013, or starting with policy period</p> <p>20 October 1, 2013, and the policy, correct?</p> <p>21 A. Correct.</p> <p>22 Q. You said several times this</p> <p>23 morning that you're not a wordings person,</p> <p>24 or language to that effect. Do you recall</p> <p>25 saying that?</p>	<p style="text-align: right;">Page 168</p> <p>1 N. BROSNAN</p> <p>2 question on something, with today's, like,</p> <p>3 Internet, ask colleagues, I mean that's</p> <p>4 what everyone is there for.</p> <p>5 Q. Sure.</p> <p>6 Can you recall any particular</p> <p>7 instance where you did that? For example,</p> <p>8 if there was a question about a guaranteed</p> <p>9 outturn clause and whether it contained</p> <p>10 particular survey language, that's an</p> <p>11 example. I'm not pretending that it</p> <p>12 happened here. Can you give us examples</p> <p>13 of when you would go to look for</p> <p>14 information about what a term, word or</p> <p>15 provision meant?</p> <p>16 A. The policy wording is approved</p> <p>17 already, so in that particular instance</p> <p>18 that was something that Tom Stubler had</p> <p>19 said it appeared like it was a</p> <p>20 value-added, that there was something</p> <p>21 unusual to that, so he sent me the</p> <p>22 wording. I mean, that's...</p> <p>23 Q. Right. I'm not asking you</p> <p>24 about that situation.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 167</p> <p>1 N. BROSNAN</p> <p>2 A. Mm-hmm. Yes.</p> <p>3 Q. If you are interested in</p> <p>4 figuring out what a particular wording</p> <p>5 means in one of the policies like the</p> <p>6 policy here in Exhibit 2 of Exhibit 28,</p> <p>7 what would you do?</p> <p>8 A. Ask a manager. Google it.</p> <p>9 Q. Is there any place at AGCS</p> <p>10 where you could either look at a hard copy</p> <p>11 of some documents that would help you</p> <p>12 figure it out, or enter a term in a search</p> <p>13 box, or try to find some guidance as to</p> <p>14 what a particular term, phrase, or word in</p> <p>15 the policy meant?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Have you ever come across a</p> <p>18 situation where you wanted to figure out</p> <p>19 what a particular policy term or wording</p> <p>20 meant and you tried to find some material</p> <p>21 to illuminate that for you?</p> <p>22 A. Sure.</p> <p>23 Q. Describe circumstances under</p> <p>24 which you've done that.</p> <p>25 A. I mean, in general if I have a</p>	<p style="text-align: right;">Page 169</p> <p>1 N. BROSNAN</p> <p>2 Q. What I am trying to get at is</p> <p>3 whether you remember a specific time where</p> <p>4 you said, huh, I wonder what that does</p> <p>5 really mean, and you went to try to find</p> <p>6 out?</p> <p>7 A. Not that I can speak to</p> <p>8 specifically.</p> <p>9 Q. On the fourth page of the</p> <p>10 policy in Exhibit 2 to Exhibit 28 --</p> <p>11 A. Yes.</p> <p>12 Q. -- do you see there's a</p> <p>13 "Conditions of Coverage" section 11 that</p> <p>14 starts there?</p> <p>15 A. Yes.</p> <p>16 Q. And that first provision,</p> <p>17 11(A), it's your understanding that</p> <p>18 applies to cargos that World Fuel had an</p> <p>19 interest in while this policy was in</p> <p>20 effect?</p> <p>21 MR. NICOLETTI: Objection as to</p> <p>22 form.</p> <p>23 You can answer.</p> <p>24 A. Except for bulk liquid.</p> <p>25 Q. So why is it except for bulk</p>

<p style="text-align: right;">Page 174</p> <p>1 N. BROSNAN</p> <p>2 clause?</p> <p>3 A. I'm not sure if the --</p> <p>4 THE WITNESS: Sorry. I'm not</p> <p>5 supposed to look at you.</p> <p>6 A. -- if the --</p> <p>7 Q. I try not to look at him, too.</p> <p>8 MR. NICOLETTI: You're killing</p> <p>9 me, so...</p> <p>10 A. The Armenia Coffee case, which</p> <p>11 I spoke of before, may have involved</p> <p>12 fraudulent bills of lading. But it was a</p> <p>13 warehouse situation, to the best of my</p> <p>14 knowledge.</p> <p>15 Q. So putting aside that one,</p> <p>16 which is the one you gave a deposition in</p> <p>17 some twenty years ago --</p> <p>18 A. Right.</p> <p>19 Q. -- there has been no claim</p> <p>20 you're aware of on any accounts you've</p> <p>21 underwritten or taken over that involved a</p> <p>22 fraudulent bills of lading clause?</p> <p>23 A. Correct.</p> <p>24 Q. This policy is written on the</p> <p>25 Willis form?</p>	<p style="text-align: right;">Page 176</p> <p>1 N. BROSNAN</p> <p>2 which follow the transit of the goods from</p> <p>3 point A to point B.</p> <p>4 Q. Anything else?</p> <p>5 A. Not that I'm aware of, no.</p> <p>6 Q. Have you ever attempted to</p> <p>7 figure out or find information about what</p> <p>8 that phrase, "other shipping documents,"</p> <p>9 means?</p> <p>10 A. Yes.</p> <p>11 Q. When did you do that?</p> <p>12 A. After I was called into a</p> <p>13 meeting on the claim -- on the \$18 million</p> <p>14 potential claim, and I was going to be in</p> <p>15 front of upper management and counsel.</p> <p>16 And I just didn't want to look like an</p> <p>17 idiot.</p> <p>18 Q. You said on the \$18 million --</p> <p>19 A. Potential.</p> <p>20 Q. -- contamination claim? Or was</p> <p>21 this on the claim that brings us here</p> <p>22 today?</p> <p>23 A. The claim that brings us here</p> <p>24 today.</p> <p>25 Q. So the only time you've ever</p>
<p style="text-align: right;">Page 175</p> <p>1 N. BROSNAN</p> <p>2 A. Correct.</p> <p>3 Q. I take it there was no</p> <p>4 negotiation or discussion at all in the</p> <p>5 underwriting process about any</p> <p>6 modifications to or alternatives for a</p> <p>7 fraudulent bills of lading clause?</p> <p>8 A. Correct.</p> <p>9 Q. Have you, yourself, ever</p> <p>10 studied any of the differences between the</p> <p>11 AGCS fraudulent bill of lading clause and</p> <p>12 the Willis form of that clause?</p> <p>13 MR. NICOLETTI: Objection as to</p> <p>14 form.</p> <p>15 You can answer.</p> <p>16 A. No.</p> <p>17 Q. Have you ever studied that</p> <p>18 clause for any reason?</p> <p>19 A. No.</p> <p>20 Q. Do you have any understanding</p> <p>21 of what the phrase "other shipping</p> <p>22 documents" at the end of that clause here</p> <p>23 on page 16 is?</p> <p>24 A. Yes. It could be, I guess, an</p> <p>25 airway bill, packing list. Documents</p>	<p style="text-align: right;">Page 177</p> <p>1 N. BROSNAN</p> <p>2 looked at what "other shipping documents"</p> <p>3 means here is getting ready for that</p> <p>4 meeting?</p> <p>5 A. Correct.</p> <p>6 Q. What all did you look at? What</p> <p>7 did you do?</p> <p>8 A. I Googled -- I looked at the</p> <p>9 two documents that were submitted</p> <p>10 notifying us of the claim, and just in</p> <p>11 preparation for the meeting I literally</p> <p>12 went on and Googled different items that I</p> <p>13 just wasn't well versed in.</p> <p>14 Q. Did you maintain any record</p> <p>15 other than whatever your browser</p> <p>16 remembered --</p> <p>17 A. Yes.</p> <p>18 Q. -- about what you looked at?</p> <p>19 A. Yes.</p> <p>20 Q. Where did you maintain that?</p> <p>21 A. I cut and pasted it into a</p> <p>22 draft e-mail, and mailed it to myself, so</p> <p>23 that I had it as a reference to print out.</p> <p>24 MR. MYERS: We've been going</p> <p>25 for over an hour. A good breaking point.</p>

<p style="text-align: right;">Page 234</p> <p>1 N. BROSNAN</p> <p>2 ---</p> <p>3 BY MR. MYERS:</p> <p>4 Q. Is this the e-mail to yourself</p> <p>5 that you testified about earlier that you</p> <p>6 prepared to get yourself ready for a</p> <p>7 discussion?</p> <p>8 A. Yes.</p> <p>9 Q. This -- you sent this to</p> <p>10 yourself on March 3rd. Does that indicate</p> <p>11 anything to you about when the meeting at</p> <p>12 which you participated occurred?</p> <p>13 A. In looking at the calendar</p> <p>14 invites, I believe it was March 4th.</p> <p>15 Q. So the day before you</p> <p>16 studied up?</p> <p>17 A. Correct.</p> <p>18 Q. And this reflects your</p> <p>19 studying up?</p> <p>20 A. Yes.</p> <p>21 Q. "This" being Exhibit 43?</p> <p>22 A. Yes.</p> <p>23 Q. This first page up through the</p> <p>24 "as the nature of the loss" paragraph,</p> <p>25 where did that come from? Did you write</p>	<p style="text-align: right;">Page 236</p> <p>1 N. BROSNAN</p> <p>2 taken from John Frandsen's report to us,</p> <p>3 and the contract that was attached.</p> <p>4 Q. Okay, "this" being from that</p> <p>5 point to where?</p> <p>6 A. Well, the "Insuring</p> <p>7 Conditions," "Fraudulent Bills of Lading,"</p> <p>8 "Shipping Documents," all of those are</p> <p>9 from the Internet.</p> <p>10 Q. So starting with "Insuring</p> <p>11 Conditions" --</p> <p>12 A. Internet.</p> <p>13 Q. And "Fraudulent Bills of</p> <p>14 Lading," Internet?</p> <p>15 A. Internet.</p> <p>16 Q. "Shipping Documents"?</p> <p>17 A. Internet.</p> <p>18 Q. Internet?</p> <p>19 A. "Crime Insurance."</p> <p>20 Q. "Crime Insurance."</p> <p>21 How about the United States</p> <p>22 Court of Appeals for the Third Circuit?</p> <p>23 A. Internet.</p> <p>24 Q. So in doing your own Internet</p> <p>25 research you found that case?</p>
<p style="text-align: right;">Page 235</p> <p>1 N. BROSNAN</p> <p>2 that?</p> <p>3 A. Directly from Nancy</p> <p>4 Zachariades' notice of high potential</p> <p>5 loss.</p> <p>6 Q. So you cut and paste that?</p> <p>7 A. Yes.</p> <p>8 Q. And if I were to ask you</p> <p>9 questions about what you meant by "as the</p> <p>10 nature of the loss would not appear,"</p> <p>11 blah, blah, blah, you would have to say, I</p> <p>12 don't know, that was Nancy?</p> <p>13 A. Correct.</p> <p>14 Q. Where in this is data that you</p> <p>15 entered yourself?</p> <p>16 MR. NICOLETTI: Objection as to</p> <p>17 form.</p> <p>18 MR. MYERS: It was a little</p> <p>19 awkward, so let me fix it.</p> <p>20 BY MR. MYERS:</p> <p>21 Q. Where here is information that</p> <p>22 you didn't take from the large loss</p> <p>23 report?</p> <p>24 A. It would be the "Per broker</p> <p>25 advices: Fuel was supplied" -- this was</p>	<p style="text-align: right;">Page 237</p> <p>1 N. BROSNAN</p> <p>2 A. Yes.</p> <p>3 Q. On AGCS EM 09018, under</p> <p>4 "Fraudulent Bills of Lading," the second</p> <p>5 paragraph which says "What is a shipping</p> <p>6 document," did you type that in?</p> <p>7 A. It's from the Internet.</p> <p>8 Q. What site? What place did that</p> <p>9 come from?</p> <p>10 A. I think I just asked "What is a</p> <p>11 shipping document" so that I could be</p> <p>12 clear on "other shipping documents" in the</p> <p>13 fraudulent bills of lading clause.</p> <p>14 Q. Sure.</p> <p>15 When you asked that, presumably</p> <p>16 you entered it in a search box on some</p> <p>17 search engine?</p> <p>18 A. On Google, probably.</p> <p>19 Q. Okay. What -- from what URL</p> <p>20 website or place did the answer that you</p> <p>21 plucked in here come from?</p> <p>22 A. I don't know.</p> <p>23 Q. So whatever came up you just</p> <p>24 cut and pasted it in there?</p> <p>25 A. Right.</p>

<p style="text-align: right;">Page 238</p> <p>1 N. BROSNAN</p> <p>2 Q. Did you, yourself, consider any</p> <p>3 sources or information other than whatever</p> <p>4 Google spat out?</p> <p>5 A. I'm not clear on what the</p> <p>6 question is.</p> <p>7 Q. Did you look at any other</p> <p>8 sources, any references, any anything,</p> <p>9 consult any experts --</p> <p>10 A. Oh, no. No. Strictly from the</p> <p>11 Internet. This was literally a</p> <p>12 couple-of-hour document, not even that,</p> <p>13 that I just was getting as a cheat sheet</p> <p>14 for meeting when I go in with management</p> <p>15 and counsel.</p> <p>16 Q. So you didn't actually attempt</p> <p>17 to determine what the legal or policy</p> <p>18 definition of "shipping document" was; you</p> <p>19 just went to Google, whatever it spat out</p> <p>20 you plunked down?</p> <p>21 A. Correct.</p> <p>22 Q. Did you ever consider asking</p> <p>23 somebody who was an expert?</p> <p>24 A. No.</p> <p>25 Q. The capitalized "Shipping</p>	<p style="text-align: right;">Page 240</p> <p>1 N. BROSNAN</p> <p>2 noted, they follow with the goods in</p> <p>3 transit, and then they give a definition</p> <p>4 of each: "Air waybill, bill of lading,</p> <p>5 truck bill of lading."</p> <p>6 Q. And one of those is "Commercial</p> <p>7 Invoice," right, on 9019?</p> <p>8 A. Yes.</p> <p>9 Q. And the last one is</p> <p>10 "Documents," which the last phrase there</p> <p>11 is: "Other such records required under</p> <p>12 documentary credit or collection."</p> <p>13 Do you see that?</p> <p>14 A. As long as there's a shipping</p> <p>15 document, it goes along with the transport</p> <p>16 of the goods.</p> <p>17 Q. I don't see the "as long as</p> <p>18 it's a shipping document."</p> <p>19 That just looks like "other</p> <p>20 such records required under documentary</p> <p>21 credit or collection," right?</p> <p>22 A. Other documents, packing</p> <p>23 list -- well, it's inferred in that -- if</p> <p>24 you look at the "Shipping Documents"</p> <p>25 definition, and you look at each</p>
<p style="text-align: right;">Page 239</p> <p>1 N. BROSNAN</p> <p>2 Documents," is that -- what is entered</p> <p>3 there, and below it? Where did that</p> <p>4 information come from?</p> <p>5 A. The Internet.</p> <p>6 Q. Okay. So it's the same thing,</p> <p>7 you put it in Google and pasted whatever</p> <p>8 it spat out?</p> <p>9 A. Correct.</p> <p>10 Q. What terms did you enter in</p> <p>11 doing that search? For example, there's</p> <p>12 "Waybill." When you saw the word</p> <p>13 "waybill" did you insert "Waybill" and</p> <p>14 then get a definition of it?</p> <p>15 A. No, I believe I just put in</p> <p>16 "What is a shipping document," I'm not --</p> <p>17 I don't know, again, this was strictly as</p> <p>18 point of reference for myself, it wasn't</p> <p>19 going on a report, thesis, anything where</p> <p>20 I had to put a footnote or anything like</p> <p>21 that -- the "Shipping Documents," the --</p> <p>22 what spit out gave me definitions of each</p> <p>23 airway bill.</p> <p>24 They point to what shipping</p> <p>25 documents are. Obviously there are those</p>	<p style="text-align: right;">Page 241</p> <p>1 N. BROSNAN</p> <p>2 subsection after that, it's air waybill,</p> <p>3 bill of lading, truck bill of lading,</p> <p>4 commercial invoice, and then it goes "all</p> <p>5 other documents required to clear customs</p> <p>6 and take delivery."</p> <p>7 There's a definition of</p> <p>8 "Packing List," and then the next thing is</p> <p>9 "Documents."</p> <p>10 Q. You also appear to have entered</p> <p>11 "Crime Insurance." Why?</p> <p>12 A. Because I had no idea what</p> <p>13 crime insurance covered in particular. I</p> <p>14 know that World Fuel had a policy with</p> <p>15 Berkeley.</p> <p>16 Q. At some point you sat down and</p> <p>17 looked at the Berkeley policy?</p> <p>18 A. No.</p> <p>19 Q. Do you know if anybody at AGCS</p> <p>20 ever did?</p> <p>21 A. I would imagine claims, but I'm</p> <p>22 not sure.</p> <p>23 Q. Did you ever talk about any</p> <p>24 such review, assessment, or determination</p> <p>25 that anybody at AGCS made?</p>